THE 2002 WILDFIRE SEASON AND THE WILDFIRE THREATS OF THE 2003 SEASON

HEARING

BEFORE THE

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HOUSE OF REPRESENTATIVES

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THE 2002 WILDFIRE SEASON AND THE WILDFIRE THREATS OF THE 2003 SEASON

WEDNESDAY, JULY 23, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The committee met, pursuant to call, at 10:13 a.m., in room 1300 of the Longworth House Office Building, Hon. Bob Goodlatte (chairman of the committee) presiding.

Present: Representatives: Pombo, Smith, Moran, Jenkins, Gutknecht, Osborne, Rehberg, Burns, Bonner, King, Musgrave, Neugebauer, Stenholm, Etheridge, Baca, Alexander, Pomeroy, Lucas, and Udall.

Staff present: Bill Imbergamo, Sam Diehl, Callista Gingrich, Kellie Rogers, and Lisa Kelly.

OPENING STATEMENT OF HON. BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

The CHAIRMAN. Good morning. This hearing of the House Committee on Agriculture to review the 2002 wildfire season and the wildfire threats of the 2003 season will come to order. I have an opening statement.

Today, we convene the full committee to hear testimony on the threat posed to our forests by wildfire, insects, and disease, and to hear from affected groups on the impact of these threats on communities, State and local governments, and private landowners.

Sadly, we learned late last night that two firefighters were killed while fighting a fire in the Salmon-Challis National Forest in Idaho. Their deaths are a reminder that firefighting is, and always has been, dangerous work, and that we send our firefighters in harms way, much as we send our military into harms way.

On this date last fire season, more than 3.7 million acres had already burned, over 1 million of which was on the National Forests. By the end of last year, the total had risen to almost 7 million acres, and the Forest Service had spent over $1.2 billion fighting fires. With a fire season that started early and ran late, the Forest Service was forced to essentially stop other operations in late June and "borrow" millions of dollars from other programs to fight fire.

To this point this year, we have experienced a relatively moderate fire season with 1.1 million acres burned so far. But a "slow" fire season isn't without consequences; the mountain community of Summerhaven, Arizona was essentially destroyed by the Aspen fire. This fire burned for over 5 weeks, scorching 84,500 acres, de-

stroying 333 homes, and costing over $16 million to suppress. The fires that are burning in the West are different than the fires these forests evolved with; they burn hotter and faster than the historic fires that have shaped these forests for thousands of years. The result is severely damaged ecosystems that do not provide the many benefits we have come to expect from our National Forests like clean air, clean water, abundant habitat for wildlife, and outstanding recreational opportunities. Also, economies that had been based on use of the forest resources have all but disappeared as the Forest Service has taken an increasingly passive approach to land management.

The result of this passive approach is severely overstocked forests, which have become, in many regions of the country, susceptible to drought, insects, disease, and catastrophic wildfires. The conditions that led up to the 2002 fire season still exist on the ground. To this point, we have been relatively lucky in that the Southeast has broken out of a long-standing drought and that fire starts have been lower than normal in the West and Southwest. However, more than half of the National Forest System remains in an overstocked state, and the persistent drought in the West leave millions of acres at imminent risk.

In response to increasingly catastrophic fire seasons, Congress has provided increased funding for hazardous fuels reduction on Forest Service lands. Due to cumbersome bureaucratic processes and delays caused by environmental appeals and litigation, the Forest Service treated less than 1.2 million acres with hazardous fuels reduction treatments in fiscal year 2002. This is actually down from the 1.3 million acres treated in fiscal year 2001.

As recent research by the GAO has indicated, in the vast majority of cases where environmental groups can appeal hazardous fuels reduction projects, they do so, even if those projects are proposed to protect communities and to reduce the risk in the wildland urban interface. Fifty-nine percent of projects which were appealable were appealed, resulting in delays of up to 3 months before projects could be formally advertised and put out for bid. Fully half of the projects proposed to protect communities were appealed.

Realizing that the fuels treatment goals of the National Fire Plan were not being accomplished, the President launched, in late 2002, his Healthy Forests Initiative to help the Forest Service and Federal land management agencies achieve on-the-ground results in reducing hazardous fuel loads, treating insect and disease hazards, and protecting communities. The Health Forests Initiative consists of narrowly targeted procedural changes intended to get results to the ground faster, and a legislative proposal intended to streamline public involvement, administrative appeals, and judicial review. In May of this year, the House passed H.R. 1904, the Healthy Forest Restoration Act, which seeks to enact changes in all of these arenas while reaching out to private landowners across the country to help them protect their forests from insects, disease, and wildfire. It is my ardent hope that the Senate will take up this important legislation quickly so that we can get it to the President's desk for signature this year.

Today, we have two panels, one consisting of Mr. Mark Rey, the Under Secretary responsible for implementing the National Fire

Plan and the President's Healthy Forests Initiative at the Department of Agriculture. On the second panel we will hear from three organizations whose members have to live with the consequences of the severe forest health crisis afflicting our National Forests, including State and county officials and private landowners. I believe today's hearing is a timely opportunity to hear what progress the Forest Service has made in addressing this crisis, and the outlook for how they will address it in the future.

I welcome all of you to today's hearing, most particularly the very patient gentleman from Texas, Mr. Stenholm, who I am pleased to recognize at this time.

Mr. STENHOLM. Thank you, Mr. Chairman. In the interest of time, I will just interject my statement into the record and proceed to hear from the witnesses.

PREPARED STATEMENT OF HON. CHARLES W. STENHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

For the last century, public land managers have suppressed all forms of wildfire, including natural small scale fires that restore forest ecosystems.

These natural small-scale fires burn at ground level at relatively low temperatures allowing some trees to survive renewing the forest.

The suppression of these natural small-scale fires has resulted in an accumulation of fuel that supports catastrophic wildfires of unnatural intensity that burn hotter, spread faster, and cause long-term severe environmental damage, sometimes even sterilizing the soil.

We witnessed during the second year of National Fire Plan implementation the second largest fire season this Nation has seen in a half-century. An early widespread drought—unparalleled since the Dust Bowl of the 1930's—affected 45 percent of the country.

On June 21, 2002, the national level of preparedness rose to the highest level possible five weeks earlier than ever before, and remained at that level for a record-setting 62 days. Wildland fires burned 7.2 million acres, or nearly double the 10-year average.

Colorado, Arizona, and Oregon recently recorded their largest timber fires of the century.

Despite challenging conditions, significant progress was made to protect communities, reduce fire risk, stabilize or rehabilitate burned lands, and restore health fire-adapted ecosystems.

Of the three factors that most influence wildland fire behavior—weather, topography, and fuel—land managers can effectively affect only fuel. Unless we take a pro-active approach to fuel reduction the remaining components of the National Fire Plan (which include firefighting, rehabilitation, community assistance, and research) will only continue to increase in cost.

Fortunately, the Healthy Forest Restoration Act, which passed the House earlier this spring, addresses these concerns giving Federal land managers the opportunity to restore our forests to a more natural balance, while maintaining important environmental requirements.

I look forward to hearing the review of the 2002 wildfire season and the wildfire threats of the 2003 season presented today and thank the chairman for his devoted attention to improving forest management.

The CHAIRMAN. It is now our pleasure to welcome our first witness, Mark Rey, Under Secretary for Natural Resources and Environment of the U.S. Department of Agriculture. Mr. Secretary, we are pleased to have you back again at the committee, and we would be pleased to have your testimony.

STATEMENT OF MARK E. REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you, Mr. Chairman and members of the committee, for the opportunity to discuss with you the 2002 fire season and the outlook for this fire season, focusing particularly on emergency stabilization and rehabilitation and hazardous fuels reduction.

But before I begin, I would like to commend you, Mr. Chairman and the other members of the committee, for your leadership and continuing efforts to address the forest health conditions that too often make our forests and rangelands vulnerable to catastrophic fires, which threaten communities and the natural resources on forest and rangelands. In the last Congress, this committee included language in the House-passed version of the 2001 farm bill to address both enhanced community protection and hazardous fuel reduction. In this Congress, this committee has reported H.R. 1904, legislation to provide Federal land management agencies important and effective tools to improve our capability to plan and implement critical on-the-ground activities. I will submit my entire statement for the record with the committee's permission and focus in five areas: first, the 2002 fire season; second, the emergency stabilization and recovery effort that has followed the 2002 fire season; third, our fuels treatment program; fourth, the outlook for the 2003 fire season; and finally, what we may expect in 2004 and beyond.

First, the 2002 fire season. It was, as you indicated, intense, difficult, and historic. The long-term drought over most of the West contributed to a lengthy and severe fire season. We sustained 62 days of preparedness level five, our highest level of activity, longer than any other year since we have kept those statistics. Approximately 7.2 million acres burned in 2002 in every vegetation type, but the largest, most costly, and damaging fires were in the long-needled pine forests, Fire regime 1/condition classes 2 and 3, where fuel buildup is the most alarming. More than 800 structures were lost to wildfires last year. Initial attack suppression activities were, however, highly successful. Of the more than 88,000 fires reported, less than 700 escaped to become large fires over 300 acres.

Fighting fires in 2002 was historically expensive. Indeed, it was the most expensive year on record. The total cost for both the Department of Agriculture and the Department of the Interior was almost $1.6 billion. The Forest Service transferred approximately $1 billion from other accounts to fund fire suppression costs.

Since the 2002 fire season, we have engaged in an active program of cost reporting on a real-time basis as well as cost controls, and the success of those efforts is recounted in my testimony.

With regard to emergency stabilization and restoration, we categorize post-wildland fire treatments as either one of those two categories, emergency stabilization or rehabilitation. The first priority, as you might expect, is emergency stabilization. It is conducted in order to prevent threats to life and property and further damage to the watershed. Rehabilitation is designed to repair damage due to fire and it begins as soon as the fire is out.

On National Forest System lands specifically, 2.4 million acres burned in 2002. Of those, 340,000 acres were severely burned, and

through the Burned Area Emergency Response plans, $72 million was made available for immediate emergency stabilization after the fires of 2002. Rehabilitation efforts continue on those incidents in 2003. The majority of the work to be accomplished in 2003 results from the negative fire effects from the Rodeo/Chediski, Hayman, McNally, Biscuit, and Missionary Ridge Fires of 2002, the largest incidents in the past fire season. Treatments planned this year will accelerate the restoration of forest and ecosystems and wildlife habitat and will more rapidly improve water quality.

The balance of our emergency stabilization and restoration efforts are recounted at greater length in my prepared statement.

On to fuels treatment, while 2002 was a very challenging fire season, the Federal wildland management agencies were able to treat 2.26 million acres of hazardous fuels on Federal and adjacent lands. That was an increase of 168,000 acres over 2001. The total acreage includes 386,000 acres of mechanical treatment, 1.87 million acres of prescribed fire, and 83,000 acres of other treatment. Further breakdowns of the 2002 numbers are included in the National Fire Plan Performance Report for 2002, which I will submit for the record. In 2003, we anticipate treating 2.5 million acres of hazardous fuels of which 1.1 million acres are in the wildland urban interface, and we are on a course now to either meet or exceed that anticipated goal.

Now on to the 2003 fire season. As you indicated in your opening statement, the 2003 season is significantly below average to date, but it is unfortunately early in the fire season in the West, and events are occurring very rapidly that indicate that we are moving into a very dangerous period in several parts of the country. The number of wildland fire acres burned to date is 1.35 million acres, and that is approximately half of the amount burned by this date in 2000.

Although wildland fire activity so far this year has been 1/3 less than the average of the last 10 years, we have seen some indications of the potential for destructive wildfires. And, as I said, conditions have deteriorated in the past several weeks, and we expect wildfire acres burned to accelerate quickly as the fire danger increases across much of the interior West, Northwest, and portions of California and the Northern Rockies. Today, fire danger indices are very high to extreme in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. So we have a significant number of states at high or extreme fire danger as we speak today and as we enter the heart of the fire season.

On July 20, over the weekend, the National Preparedness level was increased from level 3 to level 4. This change means that 425 or more 20-person fire crews are deployed throughout the Nation; five Type I Incident Management Teams are also deployed; and two or more geographic areas are experiencing Type I incidents. At National Preparedness level 4, the national Multi-Agency Coordinating Group begins to allocate resources between and among the 11 geographic area coordination centers, so that we are moving into a very complex part of the fire season from a logistical and resources standpoint as well.

The map to my right shows you the parts of the country today that are either above risk, average risk for fire danger, or below average risk for fire danger. As you can see, the Southeast, in green, is significantly below average risk, and that is because, as you indicated in your opening statement, the drought has broken in the Southeast. The wet conditions in the Southeast have resulted in a lower-than-average fire season so far, because the Southeast has gotten it early this season, and it usually starts burning early. That has also allowed us to do more of our fuels treatments to date, because we have had weather conditions amenable to prescribe to fire, which we use most frequently in the Southeast.

But as you can see, the northern and central Rockies, eastern Oregon, eastern Washington, and California are at above average risk, and that, of course, is, as I indicated, where we are beginning to experience problems today.

Going beyond 2003, let me share with you some data that we haven't previously released publicly. We have fire, behavior, and climate modeling scientists in our research laboratory in Corvallis, Oregon. As a consequence of their research, we have been able to predict fire severity over the years.

And in this chart, what you see is the model versus real fire severity situation for the recent past. And let me just get my copy, since I can't see that far. The red lines are the actual results for the fire years 1960 through 2000. The red lines are the results that the model simulated with the information about fuel loads, atmospheric conditions, weather, and climate modeled to predict what the fire behavior should look like, given those variables. And what you can see is the model is pretty accurate in picking the anticipated fire behavior, in fact, the real fire behavior that occurred in 1960 through 2000. And it shows an increase trend since 1990 in fire severity as measured by acres burned.

Now what I would like to do for you is to take the model into the next 50 years of the future with what we anticipate, based upon the model, the fire situation will look like.

In that chart, we predict two different scenarios: one, a scenario bound by a moderate warming trend, which is in blue; and one bound by a higher warming trend, which is in red. You see three colors there. You see black, which are actual results from 1900 to 2000. You see red, which are anticipated results from 2003 to 2050. And you see blue, which are anticipated results from 2003 to 2050 under a more modest warming trend prediction. Somewhere between the blue and the red is likely what we are going to experience. And what you can see is that we are going to experience some significant fire years for the foreseeable future. And 2035, whereupon I hope to be safely retired, is going to be a real corker.

So what we are facing today is not a situation that is going to resolve itself shortly. We are in the middle of a multi-decadal weather trend even though we are experiencing a drought right now. If you look at multi-decadal 50 to 60-year trends, we are in a trend system that is much more moist than that which occurred in the first half of the past century. And that is contributing to a significant accretion of vegetation growth, which, along with the fire suppression patterns of the past 100 years, have put us in a situation which this model predicts will continue to be catastrophic

for the foreseeable future, or at least the next three to four decades.

So that is the future, as best as we can predict it, and that is a fairly hazardous undertaking under any circumstances, but with that, I will conclude my testimony and respond to any questions that the committee has.

[The prepared statement of Mr. Rey appears at the conclusion of the hearing.]

The CHAIRMAN. Well thank you, Under Secretary Rey. Unfortunately, we have a long series of votes ahead of us, and we are going to have to recess the committee, and we will reconvene as soon as those votes are concluded, but I expect they are going to be at least 45 minutes or more. We will be back as quickly as possible.

The committee will stand in recess.

[Recess.]

The CHAIRMAN. The committee will be in order. The schedule on the floor seems to change moment to moment, so we will proceed pace, and I appreciate everyone's patience, particularly you, Under Secretary Rey.

How much, exactly, was borrowed from other Forest Service accounts last year to pay for fire suppression, and how much was eventually paid back?

Mr. REY. The total borrowed from both the Forest Service and the Department of the Interior was about $1 billion. And of that, roughly $800 million was paid back. The difference between what was borrowed and what was paid back fell into a couple of basic categories. First, we had some outstanding trust fund balances that we did not replenish, and so those trust funds have been now drawn down, but they weren't drawn down such that they affected the program of work that we were going to do using the money from the trust fund account. And as timber harvest occurs, that fund will grow.

The second case was where we took people off of their normal duties to fight fire, which is another aspect of the firefighting issue, and paid them with firefighting money rather than whatever the budget account that would have absorbed their salaries would otherwise have been. We didn't bother to replenish that money, because they were paid, so it was just a transfer of funds and no replenishment was needed.

The CHAIRMAN. Well, let me get that straight. So in other words, if somebody were taken from my National Forest, the George Washington or Jefferson, to fight a fire out in the West, were they then paid from a different fund than their ordinary salary would be?

Mr. REY. That is correct.

The CHAIRMAN. And what happened to their ordinary salary?

Mr. REY. That was borrowed to pay for firefighting.

The CHAIRMAN. It was not a windfall, then, to the local forest——

Mr. REY. No. It would have been a windfall had we repaid that, but we normally wouldn't do that, because they weren't there to do the work anyway.

The CHAIRMAN. I understand. The administration recently asked for over $250 million in supplemental funds for the Forest Service for this fiscal year's firefighting costs. Do you believe this will cover

your costs for this year or will more borrowing and reprogramming be necessary?

Mr. REY. Our best estimate, based upon the fire model, which we update. As we enter the heart of the fire season, we update fairly frequently. But our best estimate is that will be adequate to get us to the end of the fiscal year. It may not cover the entire fire year, but it is our expectation that if we need additional money, we could take care of that as part of the 2004 budget.

The CHAIRMAN. And can you describe for the committee the long-term climate predictions that your fire scientists have conducted? I know you talked about that chart, but do you conclude from that chart that those long-term—you expect drier years, I take it, for a number of—what years to come?

Mr. REY. Let me explain this as best as I can, and I would be happy to make our scientists available for the committee to explain it both more thoroughly and more accurately than my limited capabilities will allow. But as I understand what they are saying and predicting is that they are saying that there are two kinds of dry/wet cycles. There is a multi-decadal cycle that sort of lasts 50 or 60 years where we alternate between wet periods, prolonged wet periods and prolonged dry periods. And then there is the more familiar 3- to 5-year drought and wet cycle. What they are telling us is that the first half of the 20th century was a prolonged dry period, and as a consequence of that, less vegetation accreted because it was a drier period.

They believe that shifted in the mid–1970's into what is now a prolonged wetter period in North America, and as a consequence, we have much more vegetation on a per acre basis than was the case in the early part of the 19th century. And they don't that that will shift again until about the middle to the end of the third decade of this century. Now within those long periods, we obviously have periods of drought and wet. We are in a period of drought now, so we are sort of in the worst of all possible worlds. We have got a lot of vegetation that has grown up since the mid-1970's. That has been exacerbated by 100 years of fire suppression, and now we are in a drought situation.

In a more time sensitive way, we see the same kind of seasonal cycles. This year, we had a wet spring in large parts of the country that are now above average fire risk, which means we have managed to grow a lot of flash fuels that are drying out now and will contribute to that fire risk in the northern Rockies and in the Sierras, in particular.

The CHAIRMAN. Thank you very much.

The gentleman from Texas, Mr. Stenholm.

Mr. STENHOLM. A rather amazing statistic when we see the National Fire Plan supported 2,226 fire engines in 2002, 152 helicopters, and 74 air tankers. I am just wondering how many grandkids would love to see that fire truck parade out there, and I got to myself.

My question is regarding the tankers. The average age is now 48 years. We had some problems that grounded—well, two went down. We grounded 25 percent of the tankers. What are your long-term—near-term as well as long-term plans for replacing the tanker fleet, both the tankers and/or the single engine and then some of the new

and innovative challenges at least some believe can provide more firefighting with smaller engines, smaller planes. What are your plans?

Mr. REY. Let me first start with the near-term and then go to the longer-term. As you indicated, as—in part, a consequence of the severity of the fire season and the hours that were flown last summer, we did experience two crashes of our large air tankers. We reviewed the air tanker fleet along with the FAA and decided to ground two models, the PB4Ys and the C–130As, because it was our judgment, as well as the judgment of an independent review board that your next witness participated in as co-chair, that there was probably no way to return the PB4Ys or the C–130As to safe operation. The balance of our large air tankers were then put through an inspection protocol that FAA helped us to develop and are now being returned to the fleet. We believe that the combination of large fixed wings, smaller air tankers, and helicopters that we have air-worthy today, will be adequate for the balance of this fire season and for the near-term future.

Longer-term, we are looking at a couple of different options. There is some view that with the advent of heavy-lift helicopter technology, that we will probably move to occupy a larger part of the fleet with heavy-lift helicopters and that as far as large fixed-wing air tankers are concerned, we will probably have fewer and newer ones as some of that burden is replaced by heavy-lift helicopters.

We are also looking, at the same time, at how we use our aircraft in extended—in both initial attack and extended fire situations. We are gradually coming to the conclusion that the large air tankers are more useful for initial attack and less useful in terms of efficacy for extended attack circumstances. So that is sort of the near-term as well as what we view the future to be.

Mr. STENHOLM. What about single-engine, smaller planes that are being used? I know in some instances now and they are looking at that, specifically air tractor as planes that are being used in other countries and their argument is that you don't carry as much but you can replenish, get back on the fire quicker, and also some are looking at building bigger ones if there is a need for them. And I guess you mentioned the helicopters. Obviously that is one that shows a lot of promise. Is there in your budget plans, for the foreseeable future, testing or looking at replenishing and building what you believe is necessary for fire suppression in the future, in the near future?

Mr. REY. In any case when a new technology becomes available, we take a look at it to see if it will assist in the firefighting effort. Smaller, single-engine, fixed-wing tankers play a fairly large role in certain parts of the country where we have the opportunity to do quicker turnarounds and can get the results we want out of a smaller airplane. They are more numerous so that they are easier to draw upon.

There are differences, however, between what other countries use and what we can use. For instance, the Canadians make greater use of scooper aircraft, because they have more access to standing water to use to scoop up than we do in some parts of the West. So some of the technologies the Canadians use don't serve us nearly

as well. We have also looked at some of the Russian aircraft but found them to be less flexible and versatile than some of the equipment we use. So this is a changing dynamic. We will probably continue to adapt our system as new technologies emerge.

The CHAIRMAN. Thank you very much.

The gentleman from Alabama, Mr. Bonner.

Mr. BONNER. Thank you, Mr. Chairman, Mr. Secretary.I would like to know if you could give us some examples of where forestry health problems have spread onto private lands from Forest Service lands.

Mr. REY. That is fairly common wherever we have an intermixture of public and private lands. Throughout the mid-south, Arkansas, Oklahoma, Texas, and Louisiana, we are dealing with a fairly widespread southern bark beetle infestation. Sometimes that infestation is started on our land and moved to private lands. Other times it started on private lands and moved to our lands. Since our trees are older age classes than the average private ownership, the spread usually goes from us to a private landowner. We have similar circumstances in the southern Appalachians with the balsam woolly adelgate, which is a pest for a variety of species where the infestation is started on our forest in the southern Appalachians and moved to private lands. In the West, particularly where we have checkerboard ownership in western Montana and northern Idaho, we have got the western bark beetle that is moving from National Forest land to privately owned lands. And we have the same problem in the Sierras.

Mr. BONNER. What is the agency doing, or what can the agency do to stop problems like this or to address them?

Mr. REY. With bark beetles, the only successful treatment is to go in and cut down the trees that are infected. The beetles exist under the bark, so the use of pesticides is ineffectual. So the key with a bark beetle infestation is to identify it through inventory and move in quickly before it spreads. One of the things that we are trying to do with accelerated procedures under NEPA is to be able to use the provisions within the National Environmental Policy Act to categorically exclude from additional documentation certain kinds of activities to focus that authority on bark beetle infestations to go in and surgically remove relatively small infestations before they become large ones. And that categorical exclusion was in existence for a number of years, struck down by a court, and is about to be reissued with corrections to fix what the court found to be inadequate to the environmental documentation.

Mr. BONNER. Just one additional question. Can you give us any idea, Mr. Secretary, of the number of burned acres on National Forest land that are currently in need of reforestation, reseeding, or other treatments?

Mr. REY. We have a backlog of about 900,000 acres that we will likely get to both this season and next. Some of that is stuff that we haven't yet gotten to as a result of last year's fires. Some of it is—some of it involves cases where the reforestation effort failed because of the extended drought situation that we will have to go back in and try again with.

Mr. BONNER. Mr. Chairman, that is all I have. Thank you.

The CHAIRMAN. Thank you very much.

The gentleman from California, Mr. Baca.

Mr. BACA. Thank you very much, Mr. Chairman.

Following along the same lines of the questions that were just asked, Mr. Secretary, in San Bernardino County, our forests have been devastated by the bark beetle. Does this increase the livelihood of fires, and if so, what can we do to minimize that risk, which is question number one? And number two, which is also very important, is how long does it take to reimburse for expenses incurred when States send firefighters to work on Federal fires?

Mr. REY. Let me take those in reverse order. With the States in virtually every case, we have a cooperative agreement so that the reimbursement occurs within the season that the costs are incurred. We usually close out the cost share agreements in the fall of each year after the fire season stops. Last year, I think the way it ended up is California owed us a couple of million dollars at the end of the day. Other years, we have owed them a couple million dollars, because the resources are shared through an organized command system so that we make sure that whoever owns the engines, the airplanes, or employees, the firefighters, that we deploy the resources in the most efficient way possible, irrespective of either the ownership of the facilities or the ownership of the land.

Mr. BACA. How much do we owe in California currently right now?

Mr. REY. Probably right now, not very much.

Mr. BACA. How much is not very much, because we are in a deficit right now?

Mr. REY. Yes.

Mr. BACA. We have not reimbursed California.

Mr. REY. I would say, at this point, we are talking about less than $1 million either way, because we haven't done that much expensive firefighting in California today. So it is not that big of a number, but I can get that for the record for you.

Mr. BACA. I appreciate that very much.

Mr. REY. As it regards to the San Bernardino National Forest and its environs, I want to tell you that there is no way to understate the seriousness of the situation in the San Bernardino National Forest. We have a pandemic infestation of bark beetles in the most urbanized National Forest in the system where roughly 150,000 live year round. So we have severe problems not only with the fuel loads that exist today as a consequence of the spread of the infestation, but also with the safety of the people who live there, should a fire ignite. It is probably, at this point in time, our most serious risk situation nationwide.

Mr. BACA. OK. Thank you very much.

I have one other question. This is for another Member that asked me to ask this. In the town of Summerhaven, AZ requested 1 million in urgent brush removal, but they were denied. Recently, the Aspen fire burned through this town. In light of this, could you tell me how funds are granted for fire preventions and how we can avoid this from happening again?

Mr. REY. Funds are allocated for fuels treatment work on the basis of priorities set in the 10-year fire plan that we signed last year with the Western Governors Association. And in the case of Summerhaven, we did a significant amount of fuels treatment work

in the area surrounding the community. That work did not stop the fire from consuming Summerhaven, which is sometimes the case. The situation at Summerhaven is a very disadvantageous one from a firefighting standpoint. The town is built mid slope. It was built historically by Tucson residents who wanted a summer place to get out of the heat, built mid slope at the head of a draw, and within the draw is a designated wilderness area, the topography acts like a chimney under the right circumstances.

In this particular case, the fire ignited in the wilderness, which is an area that we wouldn't treat, was fueled by winds that were moving in excess of 30 miles per hour up the draw. The town's boundary is three-quarters of a mile from the wilderness boundary, so the treatments that we did didn't have a broad enough area to exist in to be successful. The fire, pushed by 30-mile-an-hour winds, jumped the wilderness boundary, blew through the fuels treatment work that we did in the wildland urban interface, and the consumed the town.

So money wasn't the issue there. We could have leveled everything standing in the three-quarter mile between the wilderness boundary and the town boundary. And we probably still would have seen homes destroyed, because by that time, the fire was a crown fire that was spotting, that is throwing embers and flames two or three miles in advance of the fire front.

Mr. BACA. Thank you very much.

The CHAIRMAN. I thank the gentleman.

The gentleman from Minnesota, the chair of the Forestry Subcommittee, Mr. Gutknecht.

Mr. GUTKNECHT. Thank you, Mr. Chairman. And I apologize. I have got a lot of other things going on today, but this is an extremely important hearing, and I regard this issue as one that Congress has not done as good a job as it really could do in years past. And I am not fault anyone, but it seems to me that it is an area where we need to catch up a bit.

And one of the questions, and I assume other questions that I was going to ask have already been asked and answered, but I do want to ask about the issue, because we have, in Minnesota and a lot of the Great Lake States, we have intermixed ownerships. And we have a particular problem, I think, in northern Minnesota. And I guess the question is really a two-fold question. How are you working with the counties and other local units of government to address fire and other threats? And is there anything we can or should be doing here at the Congressional level to assist you in working with those local units of government?

Mr. REY. The way we interact with local governments in defining priorities for fuels treatment is that each year, through the collaborative process laid out in the National Fire Plan, we sit down with the states, through their State Foresters, and with the county officials to go through what the highest priorities are as we allocate fuels treatment money against those priorities. That system seems to be working pretty well.

What we have to do is three things, really. First, we have to set clear priorities, so we are treating the most necessary acres first, because we are not going to treat all 190 million acres that are at risk simultaneously. The second thing we need to do is to improve

our own administrative and regulatory procedures so that we can get this work done better, faster, and cheaper. And then the third thing we have to do is to increase the money that we devote to this kind of work.

As far as the Congress is concerned, you have been most helpful in addressing the last two issues. You have given us some new procedures to work with, both in the omnibus appropriations bill and in the passage of H.R. 1904. So you have done about as much as can be done, I think. The task now rests with the Senate to see if they will follow suit.

In terms of funding, through this appropriations bill that was just debated on the House floor last week, you have also increased the amount of money that we devote to fuels treatment. There are people who believe that that should be increased more dramatically than has been the case. It is our judgment that we have to address priority to issue two and issue three simultaneously. Until we get to the point where our procedures allow us to spend the money more effectively, it is not wise to accelerate the amount of money spent more dramatically than has already been the case.

Mr. GUTKNECHT. Thank you.

The CHAIRMAN. Mr. Under Secretary, we very much thank you. I have one or two more questions. Are the administrative steps that are part of the Healthy Forests Initiative sufficient to expedite forest health activities or is legislation necessary to achieve the goals of the initiative and the National Fire Plan?

Mr. REY. Both administrative and legislative steps are going to be necessary and essential. We have executed or come close to having executed all of the administrative steps that we can take within the statutes as they exist today as part of the Health Forests Initiative. But the legislative changes embodied in H.R. 1904, particularly the provisions to change some of the statutory requirements to allow us to expedite environmental analysis under NEPA or larger projects to accelerate the appeals process and to give the courts direction on standards of review for injunctive relief are all essential components of getting this work done better, faster, and cheaper on the ground. And they are all things that Congress must do that the executive branch can not.

The CHAIRMAN. According to the fiscal year 2002 performance report for the National Fire Plan, you planned on signing two MOUs, one with NASF and FEMA, another with NASF and NACO. Have you signed them, and if not, when will you?

Mr. REY. I think we plan to sign those later this summer.

The CHAIRMAN. And what benefits do you see flowing from those?

Mr. REY. Both of those are MOUs that will assist in the way we cooperate both for fire suppression work, in the case of NASF primarily, as well as fuels treatment work, in the case of both organizations.

The CHAIRMAN. In the fiscal year 2003 omnibus appropriations bill, the Congress granted the Forest Service 10-year authority to conduct stewardship contracting on the National Forests. What is the status of the implementation of that new authority and can the committee assist in expediting its implementation in any way?

Mr. REY. I think we are doing pretty well under that authority. Even given its limited life span so far, we have 68 new contracts

that have either been signed or are ready to go. And I will submit the list of those for the record. We found a considerable amount of interest in the part of the public, non-governmental, and governmental entities in cooperating with us as contractors. I am also told by staff that the two Memorandums of Understanding have been signed, and I will submit those for the record, as well.

The CHAIRMAN. Thank you.

And has the Forest Service, or others, conducted an analysis comparing the costs of treating unhealthy forests versus suppression costs? If so, can you elaborate on those differences?

Mr. REY. There have been a number of studies, both Forest Service and non-Forest Service, that make that comparison. And clearly, what we are finding is that it is more costly to fight fires than it is to treat areas to assist in fire prevention or the reduction of fire intensity. And there is a recent study that showed that even at treatment costs as high as $500 per acre, there is still a net savings as a consequence of treatment. I will make that study available for the record, as well.

The CHAIRMAN. Thank you.

Does the gentleman from Colorado, Mr. Udall, have any questions?

Mr. UDALL. Mr. Chairman, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. UDALL. I thank you very much for recognizing me and I want to welcome Mr. Rey here to the committee today.

Mr. Under Secretary, you may remember back on the 13th of March I sent a letter to the Secretary regarding a newspaper article that quoted you on the status of areas that are recommended for wilderness and forest plans. And I really want to thank you for taking the time to call my staff, and I appreciate the communication you gave us that you will manage these areas in the same way that we have in the past. But I would still like to receive a written response to my letter, if that is possible.

Mr. REY. OK. We can do that.

Mr. UDALL. Thank you for that commitment.

I understand in your testimony today you have indicated that last year you did fuel reduction work on about 2.26 million acres, including both Federal and other lands, and about 974,000 of those areas were in the urban wildland interface. And by my calculations, that is about 43 percent. But I understand that in the region that includes Colorado, the figure is more like 38 percent in the interface, at least in the region's report. And I am just curious why we might be doing less interface work in our region, say, than overall. And let me just add to that. I think you know my definition of the interface is a broader one than some of my colleagues' definition. I think watersheds have to be included in the urban wildland interface.

Mr. REY. Right.

Mr. UDALL. So if you can——

Mr. REY. And our definition for planning purposes, as well as reporting purposes, wouldn't be that broad. So some of the areas that you would identify or we would agree are high priority, like the area in the city of Denver's watershed, would not have been picked up as interface acres.

It is a question not only of acreage but also of expense. Typically wildland urban interface acres are more expensive to treat, because there are some limitations on what we can do. For instance, you can't use prescribed fire in the wildland urban interface. So that gets factored into the priority. So it depends on—you get a different perspective about how we set our priorities if you use dollars committed rather than acres committed. Roughly 68 percent of the dollars that we spent were spent on the wildland urban interface, even though the majority of acres that were treated were treated outside of the wildland urban interface. Some of those were acres that we treat pretty cheaply with prescribed fire.

But the selection of what enjoys the highest priority is made in conjunction with State and local governments. So when we decide what our program of treatment is going to be in a state like Colorado, as a consequence of the agreement that we made under the National Fire Plan, we will sit down with your State Forester as well as the county commissioners and try to define what the top priorities for treatment should be.

Mr. UDALL. I think I have really pushed hard to try to get some of these wildland interface projects underway in the more populated areas of Colorado, believing that if we do that, we can build trust among all of the stakeholders.

Mr. REY. Right.

Mr. UDALL. And I want to thank you for working with the commissioners and others. Do you want to make another comment?

Mr. REY. Let me make one other clarification.

Mr. UDALL. Yes.

Mr. REY. We also include in our treatment totals every year that—acres that have been treated, acres that are treated through fires that ignite naturally but burn under prescription. That is to say we have a pretty good idea of what the fire is going to do. We are not concerned that there is a threat to human safety or health or property, and so as long as the fire stays within the bounds, which we anticipate are desired effects, we will let it burn. And last year's total in Colorado included a significant amount of areas that burned under those circumstances. By definition, almost, those are not wildland urban interface acres, because we wouldn't let a fire burn in wildland urban interface that way.

So you are going to see blips in the system depending on when those kinds of fires ignite, because we have fire plans for each of the National Forests. Many of them include areas where a fire ignites under the right circumstances where we are certain of the results and the results are desirable, we will let it burn.

Mr. UDALL. So Mr. Under Secretary, you are suggesting that perhaps that number would increase if you added those areas that were on the prescribed fire list but burned naturally?

Mr. REY. They were included. Those numbers are reflected in the figures for 2002.

Mr. UDALL. I would like to see those.

Mr. REY. OK. We can break those out for you separately.

Mr. UDALL. If you could get those to us. It is, yes, I think, very important to remember that in the end we are trying to get to a point where, particularly in the urban wildland interface, prescribed fire and natural fire could be returned to our Forest Man-

agement Regimes. As we all know, fire, particularly in the ponderosa ecotype has played a key role in the evolution of those forests. And we can't just go in now and start using fire as a tool, because we have got too many ladder fuels.

Mr. REY. That is exactly right.

Mr. UDALL. But fire will have to be returned over time to these environments. And I think we have to do more to educate the public in this regard.

What are you seeing in the response, and I know my time has expired, but response from the public when it comes to private property owners who are voluntarily taking on the job of thinning in their home sites and being more fire ready, if you will?

Mr. REY. We are seeing a gradual recognition that this is a responsibility that people who choose to live in fire-dominated ecosystems must accept. And as a consequence of the Fire Wise Program, we are seeing a lot of assistance from local governments in trying to educate people.

I think, however, we are still a couple of years away from a time when people who live in fire-dominant ecosystems are as knowledgeable and sensitive to the danger that exists as people are today who live on coastal barrier islands regard hurricanes.

Mr. UDALL. Thank you, Mr. Chairman. Thank you, Mr. Under Secretary.

The CHAIRMAN. I thank the gentleman.

Mr. Under Secretary, we thank you very much for your participation today. It is, indeed, good news that the southeastern part of the country has ended its drought. Since I represent Virginia, that has been our experience there, and we are pleased that there is a reduction in the forest firefighting compared to last year thus far this season. That is the good news. However, the bad news is that our forests continue to become vastly overgrown, vastly denser in their fuel load than is at all natural, and this continues to occur because we fight the forest fires that do exist, not just in the urban interface, which is certainly important, but we fight them all over the country, because people live in and around our forests throughout the country. In the East, that is particularly true with the forests being acquired from private lands. They are not the enormous blocks of land. They are often in holdings and communities right along the edge of these forests.

But in addition, when you have this enormous fuel load buildup, when the fire does occur, it is not a natural fire. It is not the kind of fire that burns along the ground and thins out the smaller trees and the undergrowth, but it takes the whole forest, causing enormous problems with destruction of the forest itself, of the wildlife habitat, the erosion of land into streams, destroying water quality, air quality and so on. If we are going to continue to fight forest fires, and I believe that it is absolutely necessary that we continue to do that, then we are going to have to have all of the programs that we discussed here today: the President's Healthy Forests Initiative, the administrative process that you have begun, the Healthy Forests Initiative that we have worked on here in the Congress, the stewardship programs that we have authorized and set in place. And we need to do them in both an environmentally and economically sound fashion so that the forests are made more

healthy and the communities around them are made more healthy. And that requires a lot of cooperation and a lot of good planning and good thinking through these problems. And I look forward to working with you and with the Department as we try to unfold that type of a plan that improves the health of our forests for many generations to come.

Thank you very much for your testimony here today.

Mr. REY. I appreciate your help, and the committee's help, as well.

The CHAIRMAN. We are now pleased to welcome our second panel: Mr. James Hull, Texas State forester, Texas Forest Service from College Station, TX on behalf of the National Association of State Foresters; Ms. Sue Kupillas, county commissioner of Jackson County, OR on behalf of the National Association of Counties; and Mr. Charles Vandersteen, Louisiana Forestry Association of Alexandria, LA on behalf of the Louisiana Forestry Association and the American Tree Farm System. I would like to welcome all of you, remind you all that your full statement will be made a part of the record, and ask that you limit your remarks to 5 minutes. And we will begin with you, Mr. Hull. Welcome.

I would also like to say I am going to have to slip out for a while. And it is my pleasure to turn the committee over to the gentleman from Montana who has a tremendous interest in this issue and has shown great leadership in terms of developing sensible national policy regarding fighting forest fires and protecting our National Forests. So I will turn it over to the gentleman from Montana, Mr. Rehberg.

Mr. REHBERG [presiding]. Thank you, Mr. Chairman, for your continuing leadership and the opportunity to have these hearings.

Mr. Hull, if you would please.

STATEMENT OF JAMES B. HULL, TEXAS STATE FORESTER, TEXAS FOREST SERVICE, COLLEGE STATION, TX, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

Mr. HULL. Thank you very much, Mr. Chairman. I am Jim Hull, State forester of Texas, chair of the Fire Committee of the National Association of State Foresters, also very pleased to have the privilege of serving on the National Wildland Fire Leadership Council, and as you will recall, last year when the wings started tragically falling off of airplanes, was asked to co-chair the Blue Ribbon Commission on Aerial Firefighting.

I will start by just verifying the statistics that we have heard already today about the 2000 fire season. And this wasn't just a one-time event. Over the last 3 years, you can just about multiply that by 3 or 3½ and you come up with the devastation—the size of this. But what I would add here that has not been mentioned is that these statistics do not include the many of the thousands of fires that were suppressed across the Nation by States, volunteer fire departments, local government, and the cost associated with that is also not reflected in these figures.

I also concur with what we can expect for the near future and probably beyond. I would just comment just a little bit further on this specific decadal oscillation business. What we got to looking at

in Texas was why are we having fires that are beyond anything that we have seen in a long, long time. And we started looking at rainfall patterns and temperature patterns and comparing that to this PDO. And we discovered that it runs in a 25- to 30-year cycle that mirrors each other. And the point that I want to make here is that those of us that have been around as long as I have, we have spent our entire careers in a wet cycle thinking that it was normal, when, in fact, what we are seeing now may be closer to normal. And the fact is, we are going to have to be making plans to live with this and learn how to deal with it for a long, long time.

We have enjoyed getting off to a somewhat slow start this year as far as fire activity. It gave a lot of us the opportunity to rest and recover to a certain degree. But it is picking up, and we are seeing that across the Nation. There are many reasons why we are seeing such an increase in fire behavior. And we talk about the prolonged drought, the higher than normal temperatures, these increasing levels of forest fuels, but the point that I would add to that that we don't talk near enough about and that is of equal significance, the unconstrained population growth in the wildland urban interface. And you add all of these conditions together, we are literally at the mercy of lightning strikes and a few careless humans. And we keep seeing over and over, once a fire becomes large, in many cases, it is impossible to put it out.

To deal effectively with this growing danger from wildfires, all levels of society, including the Congress, must work together in a very holistic way. In my written testimony, I have described how landowners, homeowners, and communities must accept a lot, or if not the bulk, of the responsibility for their own future when it comes to wildfire protection. We are trying to explain and develop and help them to understand fire prevention programs, mitigation through programs like Fire Wise, awareness and readiness. I have also identified in my testimony steps that the Federal, State, and local governments can implement in terms of building and improving suppression capacity in reducing fuel. But I would still maintain that the greatest thing we can do to prevent this problem is prevention, strong prevention and keeping fires small in the first place.

We know that the factors that mainly drive fire behavior are fuels, weather, and topography. And fuels are the ones that we can deal with. The others, we have to live with and learn to understand. I saw the Hayman fire in Colorado, and I saw where good forest management and proper thinning and small fires prior to that and fuel treatments in place caused parts of that fire to be where there wasn't such destruction.

The States and local government, through our volunteer fire departments, this is the country's largest firefighting force. They suppress over 75 percent of all fires that occur in the Nation. The NSF is taking a lot of proactive steps, such as developing guidelines and plans for how we prioritize these communities at risk. And how we assess this valuable resource of volunteer fire departments across the Nation. What are their capabilities? We have just completed a report that we will be providing to Congress just in the next couple of weeks.

We are also very concerned with cost containment. And our cost containment report was published a couple of years ago and is being widely used by Federal, State, and others as they go along.

I would quickly go to one other point, and that is the involvement of States in what we call all risk. More and more were being called to do more than just fight fire across the Nation. Just this year alone in Texas, my agency was involved with the exotic Newcastle disease, a disease with chickens. Two-thirds of my agency spent 3 months dealing with the Columbia space shuttle tragedy, the first time that a forestry agency has ever been assigned the lead role in a Presidentially-declared Federal disaster. Just last week, we were in south Texas on a hurricane. We are getting involved in homeland security efforts. We are proud to assist. But the point that I would make in addition to all of that is that often we are finding that in these non-wildfire related responses that we are making, there is no legal authority for the U.S. Forest Service to reimburse States. And this is a situation that must get corrected or the States are going just really not respond.

Congress can help in a number of ways, and one is to deal with this thing on non-reimbursement. The Forest Service has done a great job in trying to figure out how to do that, but it is going to take Federal legislation according to the attorneys. We appreciate very much your support for H.R. 1311, the Rural Fire Department Equipment Priority Act of 2003 introduced by Representative Ross. And a number of you folks have signed on to that.

And Mr. Chairman, I would like to introduce, for the record, a letter from the State of California explaining why this Federal Excess Personal Property program is so critical to State forestry agencies and why the Ross bill is so very urgently needed.

And then I will conclude by telling you how much I appreciate the rapid passage of the Healthy Forests Initiative by this committee, and finally would urge that you help secure funding for the community and private land fire assistance program is authorized at the $35 million level in the 2002 farm bill.

And Mr. Chairman, I will conclude and look forward to answering questions.

[The prepared statement of Mr. Hull appears at the conclusion of the hearing.]

Mr. REHBERG. Thank you, Mr. Hull. Ms. Kupillas.

STATEMENT OF SUE KUPILLAS, COUNTY COMMISSIONER, JACKSON COUNTY, OR, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Ms. KUPILLAS. Chairman Rehberg and members of the committee, my name is Sue Kupillas, a four-term county commissioner living in Jackson County, OR. And I do thank you for the opportunity to testify today about the catastrophic fires in 2002.

My county land base is 52 percent Federal Forests and another 30 percent private industrial and private forests. The bordering county, Josephine County, is 71 percent Federal Forests and was the host to the Biscuit fire in 2002, the largest fire in the Nation.

As a County Commissioner, I have served on numerous BLM and Forest Service Committees in the 14 years that I have served, but

most important for today, I serve on the Public Lands Committee for the National Association of Counties.

More important than the forestry committees is my deep feeling about maintaining healthy, vibrant forests to give us clean water, habitat for wildlife, birds, and fish, and yield products desired in world markets. However, these forest policies and regulations have changed drastically what our land managers are able to do in prevention and restoration concerning fire. Consequently our land managers, tied up in red tape and lawsuits, are unable to do much of anything, and if they do design a management project, before the ink is dried, proposals are appealed until the project is no longer viable. I think you are all familiar with this.

In the year 2002, southwest Oregon burned and burned. We had smoke in the Rogue Valley from July 13 until the middle of October and until the rains came, over 600,000 acres burned in southwest Oregon. The three largest fires were the Timbered Rock fire, 27,000 acres, Tiller Complex, 68,850 acres, and finally the Biscuit fire, the largest in the Nation, over 500,000 acres.

The cost of the Biscuit fire alone exceeds $150 million, and now we face restoration costs over and above that. Oregon, the State of Oregon, lost over 1 million acres of our 28 million acres of forests. After these fires, if restoration doesn't occur, our forests will be returning to brush fields, not conifer forests, and the brush fields are even more volatile than the forests are.

Well, where are we 1 year later with our restoration efforts? The Rogue/Siskiyou Forest Supervisor, where the Biscuit fire was, assures me that the EIS will be out in early September and the Record of Decision by December. That is over a year and a half after the fire. They already have removed some hazard trees in some areas, but I sense their frustration with trying to design EISs that prevent lawsuits and all of the potential appeals as the acres and volume of burned merchantable values will decrease. Time is really the enemy in these equation. Further delays remove any incentive to do any restoration.

Congress really needs to show oversight in how those dollars are spent. As their proposal for the EIS shows that they will treat and cut about 170 million board feet of timber, they will salvage it out of about 3 to 4 billion board feet that is out in that fire.

The 27,000 Timbered Rock fire EIS will be out for public comment on August 1 this year, and the Record of Decision later in the year.

I am going to reduce the recommendations to some bullets rather than getting into detail, recognizing your time. The National Association of Counties' top priority policy is that Congress and agencies develop collaboration with the local government and State officials, which we find Memorandums of Understanding to do, as policy and regulations are developed. And I believe your committee should establish a goal of maintaining conifer forests as opposed to allowing them to convert to brush fields and noxious weeds. That includes reduction of fuels before fires occur and treatment over the landscape, not just the interface, and develop a policy of active restoration treatment immediately after the fire, including salvage planting and even herbicides in some cases, and possibly looking at

these areas as areas of emergency. And so we get treatment in a very quick way.

Also, we need clear direction in high fuel loaded dangerous areas, that the policy is to extinguish the fires early before they get big and not let it burn. Secretary Rey talked about eastern Oregon not letting it burn. Southwestern Oregon gets 14 inches of rainfall. And with the Timbered Rock fire, it burned in a stump for 2 weeks, and they weren't allowing people to treat that. And by the time we finished with that fire, it was over 27,000 acres.

And the fourth point is to use scientific data, experience and prediction models, much like the example that Under Secretary Rey showed you. Jackson County is developing their own model based on actual vegetation with all of the variables plugged into the model that Under Secretary Rey showed you. And this was funded through Public Law 106–393. We are getting significant results in predicting what the future of our forests will be.

Our local think tank is working with the same person that the Forest Service did, Dr. John Sessions, to develop a model based on the actual vegetation and what happens with the forests over time with different levels of treatment. I just bring that in because I think when you actually work cooperatively with local government, we do have additional research that we can add value to that discussion.

And finally, we need new legislation to deal with post-fire forests. The Northwest Forest Plan does not adequately assume conditions that are in post-fire forests that have been in catastrophic events. And so we think House Resolution 1904 is a beginning to do this, but it doesn't deal with it in a comprehensive way. The Western Forest Association 10-year strategy, which by the way, is supported by the National Association of Counties, does this in a far more comprehensive way. Congress needs to adequately fund preventive treatments as well as restoration. You have heard that over and over.

And finally I would say extending the secure rules and the Secure Rules Act, Public Law 106–393, which sunsets in 2007, will help us develop strategies to have better input into contributing to solutions for our local forests and be more valuable in those discussions.

I would be happy to answer any questions. Thank you so much for allowing me to testify.

[The prepared statement of Ms. Kupillas appears at the conclusion of the hearing.]

Mr. REHBERG. Thank you.

Mr. Vandersteen.

STATEMENT OF CHARLES A. "BUCK" VANDERSTEEN, DIRECTOR, LOUISIANA FORESTRY ASSOCIATION, ALEXANDRIA, LA, ON BEHALF OF THE LOUISIANA FORESTRY ASSOCIATION AND THE AMERICAN TREE FARM SYSTEM

Mr. VANDERSTEEN. Mr. Chairman, thank you for the honor of appearing before you today. I appreciate your support of healthy forest restoration. I appreciate your support of conservation programs to help private landowners become better stewards of their forests. I also appreciate your willingness and interest in this very timely

subject, and I also would like to thank my Congressman, Mr. Alexander, for participating on this committee today. I have known Congressman Alexander for over 20 years. He has served with distinction in the Louisiana House of Representatives, and I know he will carry that legacy to this committee and to Congress.

I am a private landowner. I am also a forester. I have the honor of directing an organization in Louisiana of over 3,000 forest landowners who want to be good stewards of their forests. I also serve on national committees representing over 60,000 men and women, we call them family forests, around this country interested in being good stewards of their forests and participating in a program called the American Tree Farm System. We want to be good stewards of our forests. We are very concerned when we see our neighbors not being good stewards.

I am a private landowner. I own 40 acres right in the middle of public forest. I am very concerned when I see public forests around me building up fuel loads or seeing insect infestation and them not being able to do anything about it. I am not the only one in this situation. There are thousands of private landowners from Illinois to Oregon, to Montana to South Carolina, North Carolina to Louisiana and Texas. We are all very concerned about being good stewards of our land and wanting to work with our neighbors.

We have had occurrences over the last several years where family forests have been affected by public policy of not being able to do what they are supposed to do. In Louisiana alone, Mr. Sonny Evans lost over $30,000 when his 40 acres of timber were consumed by southern pine beetles. Mr. Burt Weaver lost over $600,000 of his timber as he saw southern pine beetles coming from public lands onto his property. And Mrs. Francis Smallwood, who loved the big trees on her land, lived long enough to see 14 million board feet of her timber, worth over $4 million, be reduced to waste. And Mr. Bonner from Alabama asked about landowners in his State. Lydia Boesch and Frank Owen in Lawrence County, AL saw over $50,000 of their timber consumed by beetles. The list goes on and on.

We are frustrated by the fact that we see our public land managers not being as good stewards as we would like to be on our forests. As you fly to your districts in representing your constituents and you look out of the window of the airplane, and you look at the vast array of forests throughout this country, it is difficult to see where the public lands end and the private lands begin. We are just one great mosaic of forests. This is a beautiful room. And I look at all of the different patterns in this room on the ceiling, and I say each of these patterns individually contribute to the whole. And that is very similar to the forest landscape around this country. We have public ownerships. We have big ownerships. We have small land family forests all coming together to be a beautiful mosaic of forests and a beautiful room.

We need your assistance in directing our public land managers to do what they are capable of doing. We want to be good stewards. They need to be good stewards of the land. And through the healthy forests restoration programs, I think we are moving in those directions. Southern pine beetles and wildfires don't know where the boundary stops. If it is not being managed on public

lands, it is coming on forest lands, and we depend on our forest resources not only for the timber values, but for the wildlife, for the recreation, for the clean air and the clean water that we earn from our forest lands. We try to be good stewards. We try to employ best management practices. Southern pine beetles and wildfires don't recognize best management practices. Together we can continue to make our forests healthy, productive resources for not only our respective states, our communities, but also for this great Nation.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Vandersteen appears at the conclusion of the hearing.]

Mr. REHBERG. Thank you, Mr. Vandersteen. I share your frustration. If the four of us could solve the problem alone, we would do that very quickly. The difficulty we find in Congress is the piling on of regulations. Every time Congress tries to do something to help you, a new set of regulations is established, oftentimes conflicting or duplicative of the regulations that have been in place.

I came from the State level most recently. I was the Lieutenant Governor in Montana, and having been in the State legislature, my party was in charge of both the House and the Senate, and I tried to lecture them, "Don't bring any legislation to the Governor or me unless you are willing to subtract an equal amount of regulation." It was met with disdain. It certainly was never met with any cooperation. And so somehow we have to come to grips with the regulations that are keeping all of us from accomplishing what we want. And that is my biggest frustration, being a new Congressman, watching us do the same thing over and over and over.

I want to ask you, because it seems to be a theme that has begun to grow within Congress among some elements that they recognize that the forests are not healthy, but they can't quite get to the thinning and that cleaning out and creating a safer environment, so now they are hanging their hat on taking the money and using it entirely for urban interface as opposed to creating a healthy forest. So maybe I have already let the cat out of the bag of what my opinion is, but Mr. Hull, I would like to start with you from a person who has management experience in forestry. Is the urban interface just one of the parts or are we working conflicting in creating legislation and appropriations that dwell and focus on urban interface as opposed to looking at the holistic approach of managing our forests?

Mr. HULL. Certainly we have come to know that very important part of the scenario. I do not believe, for a minute, that that is the total answer. I think you are exactly right. Many of the large fires, many of the southern pine beetle infestations come out of the wilder areas into this wildland urban interface area. And I firmly believe that if we don't do more, again, holistic planning and efforts to look at the big picture, that we will never get there.

Mr. REHBERG. Ms. Kupillas, I know that you represent the counties, but I ask you that, kind of beyond representing their position, what do you think? If you have limited dollars, if you have $100 million to spend, what percentage of it would you spend on urban interface and what percentage would you spend on the holistic approach?

Ms. KUPILLAS. Mr. Chairman, I do recognize the political pressure that is brought to bear as fires move through rural communities. But if you read my entire testimony, I do talk about the fact that when our fires burn with the high fuel loading, they burn with an intensity of—they have 100 to 200 feet flame lengths and burn with an intensity of about 1,000 degrees that it literally can explode houses, even if they have had treatment around them. So the problem isn't just the interface and the homes in the interface. The problem is that the fuel loading needs to be reduced on the entire forest and fuel breaks created throughout the forest to prevent it from becoming crown fires and those infernos that we experienced last summer in Jackson and Josephine County.

So I fully agree with you that there is a lot of political focus on interface. That is a place to start, but it certainly doesn't begin to answer the problem. And I can't tell you percentages, but I know what we experienced, and I know where we should be going.

Further, I work also with land use planning. Oregon has the strictest land use planning in the United States, and certainly in Oregon, I——

Mr. REHBERG. I had two fires on my ranch this last year, and it is amazing how much you protect your grasses. You won't let people drive on it. You don't allow any damage until a fire occurs, and then you get out the bulldozer, and you make the biggest line you possibly can. And I guess I feel like the—in the urban areas, if you haven't done the cleaning, it doesn't take long to get those bulldozers in and drop that line around that.

Ms. KUPILLAS. Right.

Mr. REHBERG. But you never get a chance in the inner areas. I will ask you the same, Mr. Vandersteen.

Mr. VANDERSTEEN. It will cost more in the rural urban interface just because we don't have the availability of all of the tools that we can use out on the regular forest. But I have seen no southern pine beetle or mountain pine beetle or any wildfire that knows where the line is, so we are going to have to treat the entire holistic forest. It is going to be more expensive in the rural urban interface, because we don't have the greatest tool of prescribed learning that we can use in those rural urban interfaces. But if we don't treat the whole forest, we are not solving the problem.

Mr. REHBERG. Ms. Kupillas, you made a comment that I want you to expand upon, and that—is I entirely agree—as Mr. Hull had mentioned, on salvage. One of the problems we have every year in Montana, we burn a million acres and then we want to go in and we want to begin the restoration, and it seems like it takes forever. You can see a line where the state owns the property on one side, the Federal Government owns the other, and the State has done a phenomenal job, and the Federal Government hasn't quite gotten around to it yet.

Let me grab on to the word that you brought up, and that was emergency. What would you do? How would you accomplish it? And again, how would we overcome the political opposition that seems to exist in both the House and the Senate? So far, we have been able to get things to the House. We haven't been able to get anything to the Senate, and it is difficult getting it through the House. How would you create emergency protocol?

Ms. KUPILLAS. Well, first of all, the research project that I mentioned that was very similar to what Under Secretary Rey talked about. I believe what we can do is build a model that shows where that line is between an emergency fire condition before the fire and what happens with treatment 30 or 50 years down the road, because then you can justify showing that you are going to destroy the trees and the habitat and whatever exists there. You are not under the Northwest Forest Plan. You are supposed to be moving it, and what you are doing is actually destroying all of that late successional reserve. I think then that you can—if you build the argument on actual research that you can show that you are creating emergency situations that destroy the old growth forests, destroy habitat, and that you don't get that back, that what you get back in, for instance, in our dry forests, is brush fields. And so you have destroyed what you are aiming for.

So I think you can build an argument through research that this is an emergency situation, because you are not building toward what your goals are.

Mr. REHBERG. Well, let me ask the gentleman, then, that probably knows a little something about research. One of the things that I fear in the Endangered Species Act reform, which I support, is peer review and sound science, because I will be darned if they don't always find somebody on the other side that has sound science and a peer group as well. How do you create that kind of science—and I am interested. I am not throwing cold water on it. I am interested in doing that, if we can. How would you, Mr. Hull, foresee us being able to create that kind of scenario where we can move something through Congress saying that if you don't do something then you are going to be destroying your endangered species, your old growth forests, and such?

Mr. HULL. Mr. Chairman, I think you have given the best example as to how to do that, and that is to live it, personally witness the devastation that happens when you don't. And I think if we could get the Members of the Senate to Montana, to Colorado, to Oregon to see on the ground, firsthand, of what we are talking about here, I worry about research, too. It is a sole essential, but you can make research prove just about anything you want it to be. But I appreciate so much where you are coming from, because you know it, you have lived it, and any way that we could help to show that to the policy makers, we would welcome that, of course.

Mr. REHBERG. Thank you. What is the Federal acreage in Texas?

Mr. HULL. About 7 percent, 600,000 acres. That is 7 percent of our forested area. It is about 1 percent of the entire state. And this is pretty close to what you will find across the entire eastern part of the Nation, somewhere around 3 to 5 percent.

Mr. REHBERG. You have got the same problems, only on a much smaller scale. When I was listening to your testimony, I was trying to determine whether you were speaking on behalf of the State Foresters or Texas. Your knowledge base is more from the perspective of kind of the war stories that you heard from some of the other State Foresters or do you actually live the same problems?

Mr. HULL. Well, we live some of the same problems. And certainly, I will tend to Texanize testimony, and I will admit to that. But the fact is, we face the same identical situations. We have Fed-

eral land close to communities. We have southern pine beetles coming off of the Federal lands, and so forth. And I can tell you firsthand we do experience this all across the South and other parts of the Nation.

Mr. REHBERG. I am going to have to talk to the staff here for a minute. We have got a problem coming up, and that is we have bunched up so many votes, it looks like we have a minimum hour and a half to 2 hours of votes in a row. That is fine. I am going to use the chairman's prerogative here and save you from having to sit here with the idea that in a couple of hours somebody might come back.

Without objection, the record of today's hearing will remain open for 10 days to receive additional material and supplementary written responses from witnesses to any questions posed by a member of the panel. And since there are quite a number of things occurring on the floor in the various committees, some of the panel members may have additional questions, even though they weren't here, that they would like to present to you and have you respond to them in writing, if you would, please.

Again, thank you. You are on the front lines. You are the ones we look to as experts. I have a phenomenal State forester in Montana that I work very closely with. In fact, he is a friend of mine who was promoted up through the ranks, and I am thrilled about that, because I didn't have anything to do with his recommendation. But they have got the right person in the right place. You all know from your own unique perspectives the problems that exist. Please know that there are some of us in Congress that are trying to get to the bottom of it and to make some sense of it. And it is frustrating to us as well as you, especially Mr. Vandersteen, because I know what it is like. My ranch is a checkerboard of Government properties and private properties. And it is hard to understand the inflexibility of Government versus private ownership.

And so I thank you for being here. Thank you for your patience today and for your presentation. The hearing is now adjourned.

[Whereupon, at 12:44 p.m., the committee was adjourned.]

[Material submitted for inclusion in the record follows:]

STATEMENT OF HON. MIKE ROSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. Chairman I would like to thank you for holding this important hearing today. The 2002 fire season has been among the worst in 50 years. Prolonged drought conditions, overly crowded forests, and insect or diseased damaged forests have created dangerous fire conditions on more than 100 million acres of Federal lands. At season's end, more than 7 million acres of Federal lands burned and more than 2,000 structures, including 835 homes were lost. This issue boils down to poor forest management and diminished funding for fire control and protection.

As members of this committee are aware, the House of Representatives has offered its solution to the fuel load. H.R. 1904, the Healthy Forest Initiative, does much to assist in reducing the fuel in our forests and increases the overall health of this natural resource.

However, funding for fire control and protection has diminished in the face of deficits and budget shortfalls. To help alleviate some of the challenges our local firefighters face, I have introduced H.R. 1311, the Rural Fire Department Equipment Priority Act of 2003.

For the last 46 years, the USDA Forest Service has acquired excess personal property from other Federal agencies for loan to State Foresters, and through them, to local and volunteer fire departments using the Federal Excess Personal Property

(FEPP) program. The partnership between the Forest Service, State Forestry agencies across the nation, and local fire departments is a critical line of defense in protecting communities during the wildfire season.

In April 2002, the Department of Defense resumed exclusive rights to first distribute their excess property to their own agencies and other programs. After that process is complete, remaining excess property becomes available to the other Federal agencies, including State Foresters. This change in procedure, in addition to a reduced inventory of available property, has reduced the amount of property available to the states, and subsequently local fire departments for their use in fire programs.

H.R. 1311 will give rural and volunteer fire departments high priority with other first responders when excess property from the DoD is available. This solution is a way for Congress to assist our firefighters so they may be better equipped to save lives and property and still maintain budget discipline.

Mr. Chairman, I would like to thank you and the numerous members of this committee for cosponsoring this bill, and look forward to working with you and your staff on this measure so we may prevent another catastrophic fire season. Thank you for your time and attention to this matter.

STATEMENT OF MARK REY

Mr. Chairman and members of the committee, thank you for the opportunity to discuss with you the 2002 Wildfire Season and the outlook for this fire season, focusing particularly on emergency stabilization and rehabilitation and hazardous fuels reduction.

I will address efforts to implement the National Fire Plan and, in addition, speak to the progress on President Bush's Healthy Forests Initiative (HFI), a commonsense approach to reducing the threat of catastrophic wildfires by restoring forest and rangeland health.

Mr. Chairman, you and the other members of the committee are to be congratulated for your leadership and continuing efforts to address the forest health conditions that too often make our forests and rangelands vulnerable to catastrophic wildfire which threatens communities and the natural resources on forests and rangelands.

In the last Congress, this committee included language in the House-passed version of the 2001 farm bill to address both enhanced community protection and hazardous fuels reduction. In this Congress, this committee has reported H.R. 1904, legislation to provide Federal land management agencies important and effective tools to improve our capability to plan and implement critical on-the-ground activities. I will discuss H.R. 1904 in depth later in my testimony.

2002 FIRE SEASON

The 2002 wildland fire season was intense, difficult, and historic. Long-term drought over most of the West contributed to a lengthy and severe fire season. We sustained 62 days of preparedness level 5, our highest level of activity, longer than any other year. Approximately 7.2 million acres burned in 2002, in every type of vegetation, but the largest, most costly and damaging fires were in the long-needle pine forests (Fire Regime 1/Condition Class 2 or 3) where fuel buildup was most alarming. More than 800 structures were lost to wildfires last year. Initial attack suppression activities were highly successful. Of the more than 88,000 fires reported, less than 700 escaped to become large fires over 300 acres. Much praise must go to the men and women who make up our firefighting corps who do an impressive job under adverse conditions. They deserve our thanks and admiration.

Fighting the 2002 fires was expensive. The total cost for both Departments was almost $1.6 billion. The Forest Service transferred approximately $1 billion from other accounts to fund fire suppression costs.

Recent criticism of the expenditures to suppress wildfire is of great concern to the Department. Forest Service Chief Dale Bosworth, in cooperation with Interior agencies, dispatched an accountability team to review specific expenses and policies that may have contributed to unnecessary expenditures on large fires. New procedures have been established that will focus on cost containment strategies in suppressing wildfire and eliminating unnecessary expenses; establish clearer financial management accountability of incident commanders and line officers; and provide for improved controls and incentives for suppressing costs. Additionally, the Forest Service has initiated new procedures and efforts to improve incident accounting and financial reporting.

The Incident Accountability 2003 Action Plan Recommendations are being implemented. Wildland Fire Situation Analysis will now consider a Least Cost Alternative for fire suppression strategies. Line officers are being trained to ensure that costs are adequately evaluated. Monetary limits for line officer authority for fire expenditures have been established. Once a fire exceeds a monetary threshold, a Regional Large Fire Cost Review will be triggered. For example, a review was just completed for the Aspen Fire in Arizona.

Additionally, the Forest Service and the Department of the Interior will fully implement performance measures that will allow for standardized measurements of accountability for the five wildland fire agencies. The 18 new performance measures will determine our success in implementing the 10-Year Comprehensive Strategy. Starting in fiscal year 2003, we are collecting this performance information for assessing trends in levels of activities and accomplishments, comparing and reducing unit costs, and most importantly, for tracking hazardous fuels treatments in our efforts to reduce the impacts to communities and the environment.

Let me turn now to the two subjects which I understand the committee wanted to pay particular attention to: emergency stabilization and restoration and hazardous fuels reduction.

EMERGENCY STABILIZATION AND RESTORATION

The Department of the Interior and the Forest Service categorize post-wildland fire treatments as either emergency stabilization or rehabilitation. The first priority is emergency stabilization in order to prevent threats to life and property and further damage to the watershed. The stabilization work begins before the fire is out and continues for up to a year. The rehabilitation effort to repair damage caused by the fire begins as soon as the fire is out. Rehabilitation focuses on the lands unlikely to recover from wildland fire damage through natural processes.

On National Forest System lands, 2.4 million acres burned in 2002. Of these, 340,000 acres were severely burned. Through Burned Area Emergency Response (BAER) plans, $72 million was made available for immediate emergency stabilization after the fires of 2002. Rehabilitation efforts continue in 2003. The majority of the work to be accomplished in fiscal year 2003 results from the negative fire effects from the Rodeo/Chediski, Hayman, McNally, Biscuit, and Missionary Ridge Fires of 2002. Treatments planned in fiscal year 2003 will accelerate the restoration of forested ecosystems and wildlife habitat, will more rapidly improve water quality, and allow for earlier visitor access to National Forests by returning recreational facilities to safe conditions.

Previous commitments and priorities for rehabilitation of damage caused by the fires of 2000 are also being addressed by this year's planned rehabilitation and restoration efforts on a priority basis. The fiscal year 2004 Budget provides a $187 million increase for fire suppression, which includes ample funds for burned area rehabilitation needs. Longer term activities can take place within the agency's ongoing forest management programs consistent with applicable land and resource management plans. Additional rehabilitation needs can be addressed through new authorities for stewardship contracting, a part of the President's Healthy Forest Initiative. In addition, the fiscal year 2004 request for forest health maintains an increase of $14 million over the fiscal year 2002 enacted level of $69 million. This level provides adequate funding to address high priority forest health issues relating to fire damage.

In April, the General Accounting Office (GAO) released a report to Congress titled: "Better Information Needed on Effectiveness of Emergency Stabilization and Rehabilitation Treatments." The GAO pointed out in this report: "it could not be determined whether emergency stabilization and rehabilitation treatments were achieving their intended results." To address this shortcoming, GAO recommended that the agencies:

(1) specify procedures to be used to monitor treatment effectiveness including type and extent of monitoring data collected and methods to collect these data, and

(2) develop an interagency system to collect, store, and disseminate information on monitoring results.

In a joint response, the Department of the Interior and the Department of Agriculture have established an inter-departmental committee of scientists and managers to identify post-fire stabilization and rehabilitation treatments for which monitoring protocols will be established. Technical experts will then develop the monitoring protocols and identify research needs. The inter-departmental team will also develop an interagency system to collect, store, and disseminate information on monitoring results.

A great deal of information exists that shows that many emergency stabilization and rehabilitation treatments are effective. The recently created BAER DAT website summarizes over 20 years of monitoring of emergency stabilization treatments. The Rocky Mountain Research Station publication, "Evaluating the Effectiveness of Postfire Rehabilitation Treatments" discusses the effectiveness of some treatments.

An interagency workshop on emergency stabilization and rehabilitation is being planned for the spring of 2004. At this workshop, experts will present the latest scientific findings on the effectiveness of various actions. A steering committee for this inter-departmental team had their initial meeting in May and agreed to establish subcommittees to develop monitoring protocols according to treatment objectives, rather than by treatments. For example, the objective may be to stabilize soil. There are several treatments that may accomplish this objective. The subcommittee would develop monitoring protocols for all these treatments.

In January, the two departments agreed to work towards standardizing certain aspects of their programs, such as definitions and timeframes. DOI and USDA are also developing language for their respective manuals for Emergency Stabilization and Rehabilitation, including a requirement that the most appropriate treatment be selected and monitored. Additionally, the Departments are drafting interagency guides for implementation of emergency stabilization or rehabilitation treatments.

HAZARDOUS FUELS REDUCTION

Fire historically played a positive role in sustaining ecological stability in many ecosystems. The altered condition of these forests and grasslands makes the use of fire for forest management much more difficult. Future wildfires can be very beneficial to various resources, especially where the natural fire return interval has been maintained or where the fuels buildup, such as thick understory and dense trees, are thinned by environmentally sound forest management practices.

Fuel treatments are designed to mitigate the risk of unwanted wildland fire to people, communities, and natural resources. The objective is to manage these lands for healthy, resilient conditions in which fire can be re-established. Fuel treatments accomplish these goals by manipulating vegetation and/or removing or modifying wildland fuels to: reduce the potential severe wildland fire behavior, lessen post-fire damage, limit the spread and proliferation of invasive species and diseases, and maintain and restore healthy diverse ecosystems. Treatments are accomplished using prescribed fire, mechanical thinning, or combinations of these and other methods. Fuel treatments must conform to agency regulations, land management plans, and all environmental statutes. In addition to specific preplanned fuel treatment projects, current policy encourages the use of naturally ignited wildland fire to accomplish specific land management objectives.

The Forest Service and DOI are developing a common strategy for reducing fuels and restoring land health in fire-prone areas. The strategy will emphasize improved working relationships between Federal land managers, as well as with multiple key disciplines inside the various land management and regulatory agencies and bureaus across geographic scales. The purpose of the strategy is to: Establish national priorities for fuel treatment; ensuring funding is targeted to the highest risk communities and ecosystems.

Recommend a strategic program to best achieve national fuel treatment objectives for community protection and ecosystem restoration and maintenance.

Emphasize landscape-scale, cross-boundary treatments that reduce hazards while providing benefits to other ecosystem values.We expect that a common strategy will be finalized and adopted in the near future.

In 2002, despite a very challenging fire season, the Federal wildland fire management agencies treated 2.26 million acres of hazardous fuels on Federal and adjacent lands. This is 168,000 acres more than 2001. The total acreage includes 386,000 acres of mechanical treatment, 1.78 million acres of prescribed fire, and 83,000 acres of other treatment. Of the total, 974,000 acres were treated in the wildland urban interface, a 25 percent increase over the fiscal year 2001 wildland urban interface acres. We also reduced hazardous fuels on slightly more than 1million additional acres through wildland fire use. Wildland fire use is the management of naturally ignited fires to accomplish specific resource management objectives. The combination of prescribed fuel treatments and wildland fire use resulted in 3.28 million acres being treated to mitigate hazardous conditions and restore forest and rangeland health.

For 2003, we anticipate treating 2.5 million acres of hazardous fuels of which 1.1 million acres are in the wildland urban interface. While we cannot tell you at this time the acreage that will benefit from wildland fire, this year has been a successful one so far. An example is the Gila National Forest, which has accomplished 162,000

acres of wildland fire use as of mid-July. As the season progresses, depending upon locations of fire starts and burning conditions at the time, other forests may have the opportunity to manage the incidents for fire use.

The committee is aware of a draft GAO report, "WILDLAND FIRE MANAGEMENT: Additional Actions Required to Better Identify and Prioritize Lands Needing Fuels Reduction." The Forest Service had an opportunity to review the draft and provide comments to GAO. We agree with the fundamental premise that prioritization is essential to program effectiveness, both in identifying those lands most in need of treatment as well as for collecting data needed to monitor program effectiveness.

2003 Seasonal Wildland Fire Outlook

The 2003 fire season is significantly below average to date, but it is early in the fire season for the West. The number of wildfire acres burned to-date (1,355,536 acres) is approximately one-half of the amount burned by this date in 2000 (2,703,125 acres).

Although wildland fire activity so far this year has been one-third less than the average of the last ten years, we have seen some indications of the potential for destructive wildfires. Conditions have deteriorated in the past several weeks and we expect wildfire acres burned to accelerate quickly, as the fire danger increases across much of the Interior West, Northwest, and portions of California and the Northern Rockies. At this time, fire danger indices are very high to extreme in: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

On July 20, the National Preparedness level was increased from level 3 to level 4. This change means that 425 or more 20-person fire crews are deployed throughout the nation; 5 Type I Incident Management Teams are deployed; and 2 or more Geographic Areas are experiencing Type I incidents. At National Preparedness level 4, the national Multi-Agency Coordinating (MAC) Group begins to allocate resources between and among the 11 geographic area coordination centers.

National suppression cost estimates remain above the 10-Year average.

THE PRESIDENT'S HEALTHY FORESTS INITIATIVE

Recognizing this need, President Bush last year proposed Healthy Forests: An Initiative for Wildfire Prevention and Stronger Communities. The President directed Federal agencies to develop several administrative and legislative tools to restore deteriorated Federal lands to healthy conditions and assist in executing core components of the National Fire Plan. Since the President's announcement last August, Federal agencies have taken several regulatory steps.

• Endangered Species Act Guidance—On December 11, 2002, the Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) issued joint guidance documents to facilitate and improve the design, review, approval and implementation of HFI projects. The guidance allows multiple projects to be grouped into one consultation and provides direction on how to consider and balance potential short- and long-term beneficial and adverse impacts to endangered species when evaluating projects. The goal is to recognize that project-specific, short term adverse impacts need to be weighed against the longer-term watershed level benefits such projects will achieve.

• CEQ Memorandum & Model Environmental Assessment (EA) Projects—Council on Environmental Quality (CEQ) Chairman Connaughton issued guidance addressing the preparation of model environmental assessments (EAs) for fuels treatment projects. The guidance addresses the purpose and content of an EA, specifically, that EAs should be focused and concise. These guidelines are now being applied on both Forest Service and DOI agency fuels treatment projects and some of these model EAs are currently out for public comment.

• Appeals Process Reform—Both USDA and DOI made rule changes designed to encourage early and meaningful public participation in project planning, while continuing to provide the public an opportunity to seek review or appeal project decisions. This allows more expedited application of hazardous fuels reduction projects.

• Categorical Exclusions (CE)—Both USDA and DOI have established new categorical exclusions, as by the CEQ regulations implementing the National Environmental Policy Act, (NEPA) for certain hazardous fuels reduction projects and for post-fire rehabilitation projects. These new CEs shorten the time between identification of hazardous fuels treatment and restoration projects and their actual accomplishment on the ground. The agencies have compiled an extensive scientific record demonstrating that similar projects did not result in significant environmental effects, either individually or cumulatively.

• Proposed Section 7 Counterpart Regulation - FWS and NOAA Fisheries have proposed Section 7 joint counterpart regulations under the ESA to improve Section 7 consultation procedures for projects that support the National Fire Plan. The proposed regulations would provide, in some situations, an alternative to the existing Section 7 consultation process by authorizing the agencies to make certain determinations without project-specific consultation and concurrence of the FWS and NOAA Fisheries.

We believe these administrative actions will provide Federal land managers with important tools they need to restore these lands to a condition where they can resist disease, insects, and catastrophic fire. In addition to the HFI actions, the Forest Service has proposed three new timber harvest categorical exclusions (CEs) to its NEPA implementing procedures. Projects for limited timber harvesting of live trees, salvage harvests, and sanitation of dead and dying trees for insect and disease control under certain specified circumstances occur routinely as part of managing National Forest System lands. Where they would facilitate rehabilitation or hazardous fuels reduction, they could also aid implementation of the National Fire Plan.

However, the administration believes that the additional tools and authorities that are provided in H.R. 1904 are still needed to address the severity of forest health conditions in a meaningful timeframe.

LEGISLATIVE ACTIONS IN 108TH CONGRESS

This Congress has moved assertively to enact forest health legislation. Public Law 108–7, the Consolidated Appropriations Resolution, 2003, contains stewardship contracting authority for the Forest Service and the Bureau of Land Management requested by the President as part of HFI.

This spring, both the House Agriculture Committee and the House Resources Committee approved the Healthy Forests Restoration Act, H.R. 1904. We commend the committee for its leadership in moving this important legislation through the House. H.R. 1904 contains a number of very helpful provisions.

Title I would improve processes which now significantly contribute to costly delays, and allow timely implementation of critical fuels reductions projects. The title would allow the agencies to focus the proposed alternatives they would have to analyze for proposed hazardous fuels reduction projects but otherwise would maintain requirements for public notice and input. Title I would require the Secretary of Agriculture to establish an administrative review process for these projects as an alternative to the current legislatively mandated appeals process. It also would clarify the standard for injunctive relief against actions that are necessary to restore fire-adapted forests or rangelands and would provide timeframes for judicial review

Title IV of H.R. 1904 would require the Secretaries of Agriculture and the Interior to develop an accelerated program on certain Federal lands to combat pest infestations. This title also would authorize the Secretaries to conduct applied silvicultural assessments on certain Federal lands. An assessment of a site not more than 1,000 acres would be deemed to be categorically excluded from further documentation under NEPA. We believe Title IV will allow us to quickly design and test methods of responding to insect outbreaks.

The administration strongly supports H.R. 1904. The comprehensive approach to forest health and hazardous fuels reduction it sets out remains the best approach among several legislative proposals to give land managers the tools they need to reduce the risk of extreme wildland fire. On May 20, 2003, President Bush called on Congress to move as quickly as possible to pass the legislation and get it to his desk for signature. Just yesterday, in testimony before the Senate Energy and Natural Resources Committee, I again expressed the administration's desire to work with the Congress to make any technical amendments that are needed to clarify and strengthen H.R. 1904.

Mr. Chairman, the President remains committed to working with Congress to enact meaningful legislation that would lead to healthy forests. The administration will oppose legislation which, while well intentioned, could impede implementation of hazardous fuels reduction projects rather than facilitate them.

With the outlook positing an severe fire season, the five Federal land management agencies and our partners at the State and local level are doing all that we can to be prepared, treat fuel loads on forests and grassland, reduce the vulnerability of our communities to wildfire and restore the health of our forests and rangelands in cooperation with States, local governments, Tribes, and interested groups and citizens.

The administration is also pursuing a range of administrative actions to improve the timeliness of hazardous fuels reduction projects without sacrificing public involvement or scientific analysis.

H.R. 1904 would provide many of the needed additional authorities sought by the President's HFI to achieve these goals. We strongly support H.R. 1904 and look forward to working with the Congress as it moves through the process.

STATEMENT OF CHARLES A. "BUCK" VANDERSTEEN

Mr. Chairman and members, my name is Charles A. "Buck" Vandersteen. Thank you for the opportunity to appear before you this morning.

I am a forest landowner from Louisiana with 40 acres of timberland located in the middle of forestland owned by the U.S. Forest Service. I take great pride in my forest, it is an investment in my family's future and it has helped pay for some of my children's college education. I am also a forester and Director of the Louisiana Forestry Association, an organization whose mission is to promote healthy productive forests through the practice of sustainable forestry. I am also representing today more than 62,000 family forest landowners, members of the American Tree Farm System, who live and work to enjoy and improve the quality of their forestland.

Being completely surrounded by the Forest Service, I am very concerned when I see conditions developing that lead to fuel build-up in the forest or an insect epidemic that could expand to my property if not to controlled.

I am one of many forest landowners with the Forest Service as my neighbor. For the most part our relationship has been good, but with growing litigation, forest appeals, and environmental groups vowed to shut down management of public forests, I am concerned and need your help to protect my woods from catastrophic events that are beyond my control coming from public forests.

Several of my forest landowner friends in Louisiana lost millions of dollars due to Southern Pine Beetle attacks coming from Forest Service land. Sonny Evans from Natchitoches parish lost $30,000 from 40 acres that were totally destroyed from beetles coming from public lands. Burton Weaver saw beetles destroy over $600,000 worth of his prime pine saw-timber and Ms Francis Smallwood lived long enough to see 14.7 million board feet of her timber, worth over $4 million, consumed by beetle infestation. Another, Ms Winnie Hightower, lost over 17 million feet of her forest investment due to beetle infestation coming from the national forest.

In neighboring Alabama, Southern Pine Beetle infestations from public lands destroyed 50 acres of young forest and over $50,000 of timber on the Lydia Boesch and Frank Owen family property in Lawrence County. Joe Propst saw his lifelong investment of prime sawtimber reduced to waste from beetle infestation in the same county adjacent to public lands. Examples like these can be found in every State where forest stewardship is lacking and forestry management absent from the forest.

The frustration we have is working our tails off to protect our land and seeing the Forest Service, with all the professional expertise and knowledge they have to manage public forests, having their hands tied and not being able to do anything to ensure healthy forests. We want the Forest Service to pay the same attention to forest health that we do and get the job done before it is too late. We support the President's Healthy Forest Initiative, not only because it will be good for the public's forests, but private landowners as well.

As you fly over this country returning to your home districts and look out the window at the expansive green of forests, can you determine where public forests end and private forests begin? You can't and neither can beetle infestations, wildfire, and other destructive pests of the forest. Public and private forest managers must work in unison to keep our forests green and growing.

Private forests in the South comprise about 90 percent of the forest resource. Mom and Pop family forests are heavily concentrated in the South. The average age of these landowners is 65 years old and the average size of their forest holdings is 40 acres. Private forests are held for a multitude of reasons, including wildlife, recreation, water quality, and timber production.

Lack of public forest management not only affects timber values, but it adversely affects wildlife species, water quality, and recreational opportunities on private lands. Forest landowners have adopted Best Management Practices to protect water quality. They work diligently to leave streamside management zones on their land to reduce sediment and temperature variations in their streams, but this is all for naught if public forests fail to do their part. Insects and wildfires know no boundaries to ownership or Best Management Practices. Solving the forest health crisis

requires a concerted and coordinated effort by all forest landowners to ensure healthy forests for our future.

Thank you for your time and consideration of my comments.

STATEMENT OF SUE KUPILLAS

Chairman Goodlatte and members of the committee:

My name is Sue Kupillas, four-term county commissioner in Jackson County, Oregon. Thank you for the opportunity to testify today about the catastrophic fires of 2002, in southwestern Oregon. My county is 52 percent Federal forests and another 30 percent private industrial or private non-industrial forests. Josephine County, bordering Jackson, has 71 percent Federal forests and was host to the Biscuit fire in 2002. I love to live in southwest Oregon because of the natural beauty of the valley surrounded by mountains, pine, fir and cedar forests, streams and rivers.

As a county commissioner, I have served on numerous Bureau of Land Management (BLM) and Forest Service committees, currently chairing the BLM Resource Advisory Committee under Title II of the Secure Rural Schools and Community Self Determination Act of 2000 (P.L. 106–393). I also started one of the first county Natural Resource Advisory Committees in Oregon, for the purpose of involving actual land managers and experts in advising the Board of Commissioners about natural resource policy issues. I'm on the executive board of the O & C Association and most important for today, serve on the Public Lands Committee for the National Association of Counties.

In addition, I set up a forestry think tank, and using P.L. 106–393 Title III funds, have completed 2 years of a 3-year research project with Dr. John Sessions from the School of Forestry Engineering at Oregon State University. I tell you this because I want you to know I have a long standing interest in good forest management and effective forest policy.

Beyond the forestry committees is my deep feeling about maintaining healthy, vibrant pine, cedar and fir forests that give us clean water, habitat for wildlife, birds and fish, and yield products desired in world markets. Jackson County and other Oregon counties can have it all, beautiful healthy surroundings and products that create a robust economy. More importantly, we have the only natural resource that is completely renewable. We know how to grow trees and create habitat in Oregon. We are world experts in forest management.

However, Federal forest policy and regulation have changed drastically what our land managers are able to do. Consequently our land managers, tied up in red tape and lawsuits are unable to do much of anything. If they do design a management project—before the ink is dry, proposals are appealed until the project is no longer viable.

In 2002 southwest Oregon burned and burned and burned. We had smoke in the Rogue Valley from July 13 until the rains came in October. Over 600,000 acres burned.

Antelope fire: 44 acres
Grizzly Peak fire: 1900 acres
Squire Peak: 2,800 acres
Timbered Rock: 27,000 acres
Tiller Complex: 68,850 acres
Biscuit: 500,000 acres

The cost of the Biscuit fire alone was between $150 and $160 million dollars, and now we face restoration costs. Oregon lost over one million acres of our 28 million acres of forests. We lost habitat for wildlife and birds. We lost miles of stream riparian fish habitat. We lost water quality and air quality. We lost massive acres of recreation areas visited by people from all over the world. We lost millions of board feed of merchantable timber that negatively affects the economy and we lost tourist trade that sustains rural communities.

Where are we 1 year later with restoration efforts? The Rogue/Siskiyou forest supervisor assures me that the Environmental Impact Statement (EIS) will be out in early September and the Record of Decision (ROD) by December. They already have removed hazard trees in some areas. I sense public lands manager's frustration that between lengthy EIS process and potential appeals, the acres and volume of burned merchantable timber values will decrease. Time is the enemy in the equation. Further delays remove any incentive to restore forests. The BLM has only 9,028 acres in the Biscuit fire. The Forest Service has agreed to prepare the EIS on BLM lands also.

The 27,000 acre Timbered Rock fire EIS will be out for public comment on August 1, 2003. Squire Peak fire, Quartz fire of 2002, and Antelope, no EIS is being prepared because according to the BLM the volumes and conditions preclude salvage. In 2002, a Quartz fire salvage sale was offered once, and didn't sell. The sale was offered again, but the Director of the BLM wouldn't propose it because of the threat of lawsuits.

Congress and agencies have no clear policy direction or goals for the forests after a fire. I admit, policy direction and goals for managing pre-fire and post-fire are difficult with the confusing messages sent, .i.e. "natural" verses managed. Habitat for endangered species or natural burned over land with little habitat structure. Old growth and late successional conifer stands or natural brush fields and deciduous non-merchantable trees. The Northwest Forest Plan does not adequately address burned forests and scorched Wilderness areas without forest trees have not been considered. The Kalmiopsis Wilderness burned areas may not return to conifer forests in our lifetime. The other confusion is over the notion that thinning in forest/urban interface areas will solve the fire problem. Homes in the interface are only a small part of the problem. With untreated, overstocked forests and excessive fuel loading, thinning in the interface areas is false security. Flame lengths of 100 and 200 feet cause different fire behavior. The heat from the inferno can cause combustion hundreds of feet away. Homes can combust with 100' fuel breaks. All of the forest needs treating.

Another issue is the issue of whether fires are put out while they are small, or left to burn, risking the kind of catastrophic events we experienced last summer. Two of the fires could have been extinguished while they were less than an acre, but it was decided the fire was in a remote area and was doing no harm. In the case of the Timbered Rock fire, local people wanted to extinguish a fire in a snag, but were not allowed to. The fire grew to a whopping 27,000 acres, burning 11,000 acres of private forests. There is prevalent thought in the Forest Service that there is talk of introducing fire into management so letting it burn is defensible. With fuel loading the fires burn hot and get out of control. "Let it burn' policy is irresponsible with current conditions in the forest. In the case of last summer, this confusion over what direction to take cost us hundreds of millions of dollars, with restoration costs looming in the future. Congress needs to clarify a ″put the fire out early″ policy and give direction to the Forest Service that the fire needs to be put out, without regard to who does it.

Whether you, as Congress, give clear policy direction is a leadership issue. The Healthy Forest Initiative is very moderate, but does provide some direction. You could provide additional direction.

Several observations come to mind. The issues are confusing and emotional, but data, experience and prediction models do exist that could guide your Committee on Agriculture in developing policy and goals. Rather than looking at goals and policy direction in an intuitive, emotional way, or peering into a crystal ball or just wishing it would be so, a few of us in Jackson County decided to look at the latest best science available from world experts.

This informal diverse Jackson County group has become a forest think tank. Besides me, members include representatives from industry, environmental interests, Forest Service, BLM and economic development, both private and public/private. We have been working with the best forestry research team in the U.S., Dr. John Sessions, the OSU Forestry Engineering department, his assistant, Jeff Hammonn, and others to develop a model that represents actual vegetation layers as they are today and moves in 5 year increments over the next 50 years, to show the effects of no management with fire suppression and then 20 to 40 different levels of management plugging in multiple variables such as slope, aspect, temperature and wind condition. The model predicts flame length and fire intensity under different climate and ecological conditions. (This model was laid over the Biscuit fire along with other information, and the Biscuit fire Report by Dr. Sessions and others was completed and distributed last week.) The model does not suggest policy direction, but gives clear results from different management decisions. This research is being funded by P.L. 106–393, Jackson County title III funds distributed by Jackson County Board of Commissioners.

My recommendations include these thoughts: What kind of forest do we want? One with conifer trees as we have had during our lifetime? We are proud of our mighty fir, cedar and pine forests in Oregon. We do not want them converted into brush fields and noxious weed fields. Looking at the results of the Jackson County research, members of Congress can more clearly see the future of the forest. For example, different levels of treatment, that is removing enough vegetation, will reduce flame lengths, reduce mortality and increases tree size over time. This maintains the fir, spruce, and pine forests. Fewer stems per acre make trees larger and more

fire resistant. You in the House Committee on Agriculture need to show leadership by being proactive on this issue, by directing agencies to manage for conifer forests with some diversity. You as members of Congress need science to make that decision. The forests have been managed by man for 10,000 years as shown by research by Dr. Tom Bonnickson in Texas. European settlers have managed forest for only 150 to 200 years but the forests are altered by people already. Natural untouched by man, does not exist. If we choose to have conifer forests (fir, spruce, and pine) as opposed to deciduous trees or brush fields, our southwestern dry forests will have to have major restoration efforts after catastrophic fires, including salvage, planting and even in some areas, herbicides to clear competition and allow for growth. The conifer forests not only create habitat for endangered species, clean water and recreational opportunities but includes the economic value of merchantable timber that is desired all over the world. The deciduous forest and brush fields do not have the same economic value, as there is little harvest potential.

So, we need clear goals of what we want forests to be in different regions. It is laughable to consider brush fields and grasses a forest, yet we see evidence that in our generation, that is the result we will see, if burned areas are not treated. The general public in our State of Oregon does not want to see forests converted. We need clear goals what we want the future of the forest to be in different regions. I am asking that you show leadership and responsibility by setting clear goals about the future of the forests.

The Northwest Forest Plan does not adequately include provisions for catastrophic events when it assumes conditions for different land allocations. Wilderness areas also don't provide alternatives for conversion from timbered landscape to woodlands and brush fields and noxious weed infestations. Congress needs to create clear objectives for catastrophic events that significantly change landscapes. For example the EIS or EA could be expedited or in some cases eliminated considering this emergency and time sensitive issue.

Furthermore, time frame for appeals could be shortened or appeal process changed for these emergencies, especially in LSR's and matrix areas. NACo policy supports including local elected officials in this kind of decision making.

Moreover, adequate funding for fighting fires and for restoration is a problem. The fires cost society in many ways, not the least of which is pure economics. The Biscuit fire fighting costs were between 150 and160 million dollars. Restoration costs will be in the tens of millions. Oregon has the highest unemployment in the nation. We not only suffer these catastrophic events that affect both private and public lands, but we also then are unable to use the wood before it deteriorates thus eliminating forest jobs and reducing mill production. With Salvage logging in a timely manner, there would be money for restoration of the forests. Finally, brush fields and noxious weeds grow in a short time, and create a new fire hazard, worse than the timbered areas. This is exacerbated by standing snags that are dry wood kindling for the next fire. This time with downed dead trees, the soil gets scorched with the next fire. Each inch of burned soil takes 500 years to replace. Congress needs to fund restoration if we don't want this scenario to repeat over and over. Personally, I want my grandchildren and the grandchildren of my friends to experience what I know so well about the great green fir, cedar and pine forests of Oregon. I do not want my grandchildren or your grandchildren to conclude that we wasted forests, in fact by not managing the forests, we allowed them to burn, didn't restore the conifer forests, therefore we now have volatile brush fields and woodlands in our fire prone region of southwest Oregon.

I don't want future generations to witness the waste created by our generation as our great Oregon forests convert to brush fields. Future generations will wonder how we could possibly manage grand forests and convert them to brush fields. What could we have been thinking?

STATEMENT OF JAMES B. HULL

Good morning, Mr. Chairman, and members of the committee. My name is Jim Hull, and I am the State forester of Texas and Chair of the Forest Fire Protection Committee for the National Association of State Foresters (NASF). I am pleased to testify on behalf of NASF by offering my observations on last year's fire season and the outlook for the remainder of this year. I will address some of the factors that are responsible for the severe fire activity we have seen in recent years, and describe some of the work that State Foresters are doing, along with our partners, to address this complex problem. I will close with our recommendations for Congressional action on several key issues.

NASF is a non-profit organization that represents the directors of the state forestry agencies from all fifty states, eight U.S. territories, and the District of Columbia. State Foresters manage and protect state and private forests across the U.S., which together encompass two-thirds of the nation's forests.

While serving as Chairman of the NASF Fire Committee, I currently have the privilege to represent NASF on the Wildland Fire Leadership Council. I also recently served as co-chair of the National Blue Ribbon Commission on Aerial Firefighting, and I am a member of the Forest Science Advisory Council at Texas A&M University.

THE 2002 FIRE SEASON

The 2002 Fire Season in the United States was one of the worst on record. The National Interagency Fire Center reported that in 2002, over 88,000 wildfires burned almost 7 million acres, destroyed 815 structures, and cost the Federal Government over $1.6 billion. This came on the heels of the 2000 fire season, which many characterize as the worst year for wildfires since 1910, the year a series of lightning-caused fires burned together into a massive, wind driven fire front that eventually burned over five million acres and killed 78 people in Northern Idaho and Montana. 2001 was also an active fire year, so that over the last 3-year period (2000–02), we had a cumulative total of 300,000 wildfires, 19 million acres burned, and 2,400 structures burned, all at a cost to the Federal Government of nearly $4 billion. These numbers do not account for many of the thousands of fires that are fought each year by volunteer fire departments and local government forces and the tremendous costs of fire suppression to state and local entities.

One of the worst fires last summer was the Hayman Fire in Colorado, which burned in the forests west of Denver. This fire burned over 138,000 acres, destroyed 132 homes, and severely damaged the Denver watershed. The USDA Rocky Mountain Research station has recently completed a major study of the fire. One of their findings was that treatment units, including thinnings, as well as previous wildfires were important in changing the spread of the fire. Specifically, they found that the size of the fuel treatment unit in relation to the size of the wildfire was likely a significant factor, and that larger treatment areas were more effective than smaller fuel breaks in changing the spread of the fire. Given these findings, it is critical that efforts by Federal agencies to carry out planned fuel reduction projects proceed without being slowed by misguided appeals and litigation.

What is the outlook for this year?

The trend is obvious. With continuing drought and deteriorating forest health conditions across much of the nation, particularly in the west, the trend experienced over the past three years is a clear indicator of what can be expected in the near future and quite likely beyond. In other words, the Federal Government should be prepared to spend over $1 billion per year on wildland fire suppression, yet still lose over 6 million acres and over 800 structures to wildfire each year.

The 2003 fire season has started slowly, due to a wet winter and spring across the southeast, much of the northeast, and parts of the west; however, it is now beginning to pick up. For July and August, the National Interagency Fire Center (NIFC) in Boise is predicting above normal fire danger through the Great Basin states and parts of California and the Pacific Northwest, with the remainder of the west at normal summer fire danger. In addition, northern Maine and northern Minnesota continue to be dry. Just this past weekend, the National Interagency Fire Center moved to National Preparedness level 4, which is next to the highest level of readiness.

Why are we seeing such an increase in fire behavior? The reasons for these sobering statistics are numerous. The primary reason is continuing drought and higher than normal temperatures. This year, fuel models across much of the west are showing fire danger levels that exceed the highest ever recorded for this time of year. The combination of continued hot and dry weather, unhealthy, overgrown forests and the resulting accumulation of forest fuels, is a certain recipe for wildland fire conflagrations.

Another factor of equal significance is the current unconstrained growth of the wildland/urban interface (WUI). This is resulting in the very high probability of catastrophic wildfire and devastation to rural communities, such as we witnessed in the Bitterroot Valley in Montana in 2000 and in Arizona, Colorado and Oregon in 2002. Under such conditions as we faced over the past 3 years—and which challenge us again this summer—the Nation is literally at the mercy of a few careless humans and numerous lightning strikes. Once a wildfire eludes our initial response under these conditions, there is often little that fire fighters can do to stop it.

Even though our very efficient and effective interagency wildland fire community controls 98–99 percent of all wildfires during initial and extended attack, the one to two percent of fires that escape can still wreak considerable havoc on our landscapes. For example, the most recent three-year annual average for the total number of fires is over 98,000 fires per year. If just one percent of those fires escape initial attack, we will have approximately 1,000 large fires to combat.

In order to effectively address the growing danger from wildfires, all levels of government (Federal, state, and local) must work together in a holistic way.

• Prevention. First, a stronger commitment and investment must be made in prevention and mitigation. Private landowners in the wildland/urban interface must take more personal responsibility for their own safety and survivability by establishing defensible space around their homes and businesses and by using more nonflammable building materials. States and local governments must aggressively address the serious problem of unconstrained growth in the wildland/urban interface by promoting programs such as Firewise. Strong consideration should be given to instituting and enforcing such programs in subdivision guidelines and ordinances.

• Awareness/Readiness. Second, efforts across the Nation should be accelerated to accurately assess and evaluate the location and extent of wildfire hazards. Wildfire potential must be understood and closely monitored to prevent surprises and to prestage available fire suppression resources, as well as to target fire prevention efforts. The Federal Emergency Management Agency (FEMA) should be encouraged to assist in paying to prevent disasters, rather than responding only after disasters have occurred.

• Preparedness. Third, wildland fire agencies must build their suppression capacity and capability if they are to have any hope of sustaining their 99 percent success rate in initial response to wildland fire ignitions. Keeping fires small is especially critical for state agencies and rural fire departments, who respond to the vast majority of fire starts across our country. Keeping fires small is unquestionably the best method of reducing fire suppression costs. Keeping fires small will also minimize the potential of wildfire spreading into the wildland/urban interface. Finally, keeping fires small is much safer for fire fighters, as it limits their long-term exposure to active fire.

• Fuels. Last, Federal and state agencies must aggressively implement coordinated and sequenced fuels reduction projects on landscapes in the vicinity of communities. It is important to first reduce the fuels directly around communities and then move projects out into the forest. Importantly, when reducing fuels in the interface there is no single, specific distance that will guarantee safety to the community. A fast moving crown fire can easily spread many miles during a single afternoon's run, and depending upon local conditions, it may throw burning embers over a mile in advance of the burning front. Therefore, it is critical to the safety of communities that the fuel continuity be altered adjacent to and beyond the actual interface.

Fire behavior research shows that fuels, weather and topography determine fire behavior (spread and intensity). Of these three factors, fuel is the only variable over which we have any control. Therefore, to stop the spread of a wildfire it is necessary to break the vertical and horizontal continuity of the fuels on the landscape keep fires out of the crowns of the trees and create large fuel breaks. This was confirmed by the Hayman Fire study referenced earlier. Researchers found that under the extreme conditions of June 9, 2002, spotting from the fire easily jumped narrow treatment units, and the fire's rapid spread circumvented smaller treatment areas.

What are States doing to help address the risk and costs of wildfire?

The forestry agencies in all 50 states and eight U.S. territories, along with over 28,000 rural fire departments, comprise our country's largest wildland fire fighting force and suppress the vast majority of wildfires across the nation. Although current national statistics are incomplete due to under-reporting, it is a well known fact that over 75 percent of the 88,458 fires reported to the National Interagency Fire Center in 2002 occurred on non-Federal jurisdictions and represented over one third of the total acreage burned. States are currently taking a number of proactive steps to address the wildland fire situation.

• The state forestry agencies have taken the lead in developing a national process to identify and prioritize communities that are at risk from wildfire one of the tasks in the Implementation Plan for the 10-Year Comprehensive Strategy. This process, which is currently being implemented by both state and Federal agencies, will result in state-by-state maps showing zones of relative risk to communities and landscapes. It will then characterize that risk using ratings of high, medium, or low risk. Based on these risk zones, collaborative groups comprised of Federal, state, tribal, and local agencies can then identify high priority fuel reduction projects in each

state. This data will also be valuable in planning and positioning suppression resources and targeting fire prevention efforts.

• The National Association of State Foresters has also taken the lead on another important task in the 10-Year Implementation Plan. NASF formed a collaborative group that has just completed a report to Congress on the capabilities and needs of local, rural, and volunteer fire departments. That report should be released in the next couple of weeks. In it are a number of recommendations for strengthening the wildland response capabilities of rural and volunteer fire departments. The report focuses on four key areas: wildland fire training; efficient interagency response; initial response & emergency communications capability; and coordinated Federal and state assistance.

In addition, NASF has demonstrated a strong commitment to cost containment. In July 2001 we published a report, "Cost Containment on Large Fires—Efficient Utilization of Wildland Fire Suppression Resources." We also participated on the interagency team that drafted the March 2003 report: "Large Fire Cost Reduction Action Plan." The NASF report was used by the National Academy of Public Administration last year in their study and recommendations for cost containment of large fires. We strongly recommend the full implementation by the Federal land management agencies of the recommendations in the 2003 Action Plan.

States are also becoming heavily involved in responding to non-wildfire, emergency assignments. Last week, the Texas Forest Service was called to assist in the Hurricane Claudette response. Over the past few months we have seen an unprecedented level of involvement in emergencies, including the outbreak of Exotic Newcastle Disease (a devastating disease affecting chickens) in California and the southwest, and the response to the Columbia shuttle disaster in Texas.

In the case of the Columbia shuttle response, the Texas Forest Service became the first state forestry agency ever to be assigned the lead in a Presidentially-declared Federal disaster. Over the 3 months of the response and recovery effort, fifteen Incident Management Teams and a total of over 17,000 personnel from 43 states were assigned to assist in the Shuttle Recovery in Texas and surrounding states. A large number of the personnel were state and local government employees. In addition, states are increasingly called upon to assist in a wide variety of planning for Homeland Security programs at the Federal, state and local level.

How can Congress help? Reimbursement to states for assistance on non-fire incidents. Unfortunately, an unintended consequence of the recent mobilization of state and local government personnel to assist with the Columbia Shuttle recovery effort was the determination that the USDA Forest Service has no legal authority to reimburse states for providing personnel for non-wildland fire incidents. Although the Forest Service is exploring every avenue to find a short term solution, some states still have not been reimbursed. This has caused problems for states with constitutional requirements for balanced budgets, and whose fiscal year ended on June 30. This is a problem that will require Federal legislation to rectify. Without such legislation, it will be difficult (if not impossible) for many states to respond to non-wildland fire emergencies outside their state boundaries.

Support H.R. 1311, the Rural Fire Department Equipment Priority Act of 2003, introduced by Rep. Ross, and its companion bill, S. 641, introduced by Sen. Lincoln. The Ross bill currently has 45 cosponsors, but we would like to have many more. We commend Congressman Ross for his leadership on this issue, and we appreciate your support, Mr. Chairman, and the many members of this committee who are already cosponsors of the bill.

Rep. Ross' bill is urgently needed so that we can continue to equip our local volunteer fire departments with firefighting and safety equipment, and so that states can maintain and upgrade their air tankers and helicopter fleet to maintain their safe and efficient fire fighting and initial attack capabilities. Without the Ross bill, future capabilities to address wildland fire at the state and the local level will be in great jeopardy. We seek your support in moving the bill through the legislative process and to final passage as quickly as possible.

I should note that the Blue Ribbon Commission on Aerial Firefighting, in our evaluation of Fire Aviation Safety, reviewed the fire aviation program at the California Department of Forestry and Fire Protection and found it to be a model of excellence in the U.S. which other states and the Federal Government should strongly consider. California's quality program is supported by a fleet of aircraft acquired by loan through the USDA Forest Service from the Department of Defense Federal Excess Personal Property program. Some twenty states use FEPP aircraft, while all 50 states and several territories rely on FEPP for vehicles, tools and personal protective equipment. State Foresters universally agree that without this program we could not adequately equip our local and volunteer fire departments, who often are

the first responders to a wildland fire, nor could we continue our cost-effective fire aviation programs to protect public safety and our valuable natural resources.

Enact the Healthy Forests Restoration Act into law. NASF appreciates the leadership taken by the House Resources and Agriculture Committees to quickly pass H.R. 1904, the Healthy Forests Restoration Act. We have testified in support of the bill in both the House and the Senate, and we look forward to completion of a final bill that: expedites treatment of hazardous forest fuels on Federal lands; increases utilization of wood biomass; establishes a new Watershed Forestry Assistance Program to help family forest landowners improve water quality through better forest management; and expedites basic and applied research to address a host of critical forest pests across the nation.

Fund the Community and Private Land Fire Assistance Program. This program was authorized in the 2002 farm bill, thanks in large part to the work of this committee. Now, we need funding to implement the program and, in doing so, help achieve the objectives of the National Fire Plan. The Community and Private Lands Fire Assistance Program will provide the financial incentives and technical assistance needed to help communities reduce their risk of wildland fire through: community protection planning; multi-resource wildfire planning; and expanded community and landowner education. It will also provide direct financial assistance to help communities reduce hazardous fuels.

In conclusion, Mr. Chairman and members of the committee, I thank you for taking the time to address the critical issue of wildland fire. NASF urges Congress to take the steps I have outlined above to reimburse states for assistance on non-fire incidents; to quickly enact the Ross bill and the Healthy Forests Restoration Act; and to fully fund the Community and Private Lands Fire Assistance Program at the authorized level of $35 million annually. All of these measures will help to improve the ability of Federal, state and local agencies and volunteer fire departments to protect our citizens and our resources from devastating wildland fires. Implementing these steps, together with the recommendations we have previously offered to reduce the cost of wildland fires, will enable us to do our job more efficiently and effectively.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

MEMORANDUM OF UNDERSTANDING
for
THE DEVELOPMENT OF A COLLABORATIVE FUELS TREATMENT PROGRAM
Among the

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
and the

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
U.S. Fish and Wildlife Service
National Park Service
and the

THE NATIONAL ASSOCIATION OF STATE FORESTERS
and the

THE NATIONAL ASSOCIATION OF COUNTIES

BLM No.	USDA FS No.
NPS No.	FWS No.
	NASF No.

This Memorandum of Understanding (MOU) is made and entered into by and among the U.S. Department of Agriculture, Forest Service (hereinafter referred to as "FS"), the U.S. Department of the Interior (hereinafter referred to as "DOI"), the National Association of State Foresters (hereinafter referred to as "NASF"), and the National Association of Counties (hereinafter referred to as "NACo") and collectively referred to as the "Parties"

A. PURPOSE:

The purpose of this Memorandum of Understanding is to provide the framework of a process for FS, DOI, NASF, and NACo to collaborate on the annual selection of a fuels treatment program of work within their respective jurisdictions to provide for community protection and enhance the health of forests and rangelands. This collaborative process is provided for and shall be consistent with, the goals, performance measures and collaborative framework outlined in the 10-Year Comprehensive Strategy and Implementation Plan (hereafter the "10-Year Plan") endorsed by the Parties on May 23, 2002 and attached as Exhibit A. The Parties recognize that fuel treatments should be prioritized and selected through a timely collaborative process and should be coordinated

across ownerships and jurisdictions to effectively protect communities and improve forest and rangeland health. This will be accomplished by concentrating on high priority acres: 1) in the wildland-urban interface and, 2) outside the wildland-urban interface that are in condition classes two and three. (See 10-Year Plan cited above for description of goals, outcomes, performance measures, tasks, monitoring and glossary of definitions.)

B. AUTHORITIES:

The following authorities allow for the Parties to enter into this MOU:

1. The Act of September 20, 1922 (42 Stat. 857, 16 U.S.C. §§ 594), (The Protection Act)
2. The Cooperative Forestry Assistance Act of 1978, Section 5 (Pub.L.No. 95-313, 16 U.S.C. §§ 2101 et seq.)
3. Federal Land Policy and Management Act (43 U.S.C. §§ 1700 et seq.)

C. IT IS MUTALLY AGREED AND UNDERSTOOD THAT ALL PARTIES SHALL:

1. Collaborate, by notification and discussion, on identification of a proposed annual program of work for fuel treatments consistent with the process identified in the March 20, 2002 Inter-departmental Memo (Attached as Exhibit B) and the goals, performance measures and collaborative framework of the 10-Year Plan. The amount of collaboration at the local and state/regional and tribal level will be consistent with the complexity of land ownership patterns, resource management issues, and the number of interested stakeholders. Views of all relevant partners and stakeholders will be considered in accordance with law.

2. Complete by May 1 of each year a proposed program of work for the upcoming Federal fiscal year that will:

a. Focus on actively managing acres in the wildland-urban interface and acres outside of the wildland-urban interface that are in condition classes two and three consistent with the goals and performance measures of the 10-Year Plan.

b. Place priority on treating acres within states that are actively incorporating state and tribal projects into the joint program of work. On a state-by-state basis, participating states shall work with their local partners, tribes and federal agencies to identify communities and landscapes at risk from wildland fire, and prioritize them into one of three categories of risk: high, medium, or low. Based on these priorities and using a collaborative process, states and federal agencies will annually identify high priority fuels reduction and ecosystem restoration projects for their respective lands. NASF will propose a schedule for more fully incorporating state projects into the annual program of work by September 30, 2003.

c. Take into account multi-year landscape level projects across ownerships.

d. Be based on the President's Budget and adjusted as necessary, based upon the Congressional appropriation and final Agency budget allocations.

e. Consider long-term investments and sequencing of projects and build on prior year programs to ensure that projects are strategically located and implemented across the landscape.

3. Establish, under the auspices of the Wildland Fire Leadership Council (WFLC), a national workgroup comprised of the FS and DOI Interagency Fuels Team, NASF, and NACo representatives to oversee implementation of this MOU, monitor progress and effectiveness consistent with the 10-year Plan, and make recommendations for any necessary modifications to the WFLC.

4. The Bureau of Indian Affairs will become a signatory of this agreement upon completion of appropriate consultation with relevant tribes without the need for approval by any other signatory to this instrument.

D. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. The DOI and FS have already entered into the March 20, 2002 Memorandum for Fuel Treatment Program Development and Collaboration Process (Exhibit B). This Memorandum outlines the process to synchronize the critical steps to accomplish selection of projects by May 1 of each year for implementation at the beginning of the Federal fiscal year. It is understood that this MOU will not function independently of that process.

2. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the DOI and FS under this MOU is subject to the Freedom of Information Act (5 U.S.C. 552).

3. PARTICIPATION IN SIMILAR ACTIVITES. This instrument in no way restricts the parties from participating in similar activities with other public or private agencies, organizations, and individuals.

4. RESPONSIBILITIES OF PARTIES. The parties will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner. Decisions considering expenditures of federal funds and activities of the federal partners under this MOU will be made by the federal partners.

5. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Janet Anderson-Tyler
Assistant Director, Fire and Aviation Management, USDA, Forest Service
202-205-1489
janderson@fs.fed.us

Allan Fitzsimmons
Fuels Coordinator, USDOI
202-606-0488
Allan_Fitszimmons@ios.doi.gov

Paul Beddoe
National Association of Counties
202-393-6226
pbeddow@naco.org

James B. Hull
National Association of State Foresters
979-458-6600
jim-hull@tamu.edu

6. NON-FUND OBLIGATING DOCUMENT. Nothing in this MOU shall obligate any of the parties to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statues and regulations.

7. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

8. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signature of all the parties and shall remain in effect for no more than five years from the date of execution. This MOU may be extended or amended upon written request of all the parties. Any of the signatories of this MOU may terminate their participation in the MOU with a 60-day written notice to the other Parties.

THE PARTIES HERETO have executed this instrument.

U.S. Department of the Interior Date
P. Lynn Scarlett
Assistant Secretary
Policy, Management and Budget

U.S. Department of Agriculture 1/13/03 Date
Mark Rey
Under Secretary
Natural Resources and Environment

1/13/03
National Park Service Date
U.S. Department of the Interior
for Fran P. Mainella, Director

U.S. Department of Agriculture 1/13/03 Date
Forest Service
Dale N. Bosworth, Chief

1/13/03
Bureau of Land Management Date
U.S. Department of the Interior
Kathleen Clarke, Director

National Assoc. of State Foresters 1/13/03 Date
James L. Sledge, Jr., President

1/13/03
Fish and Wildlife Service Date
U. S. Department of the Interior
Steven A. Williams, Director

National Association of Counties 1/27/03 Date
Ken Mayfield, President

Memorandum of Understanding
for
Coordination and Cooperation of Fire Department Wildland Fire Assistance Programs
Among the
UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Bureau of Indian Affairs
U.S. Fish and Wildlife Service
National Park Service
and the

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
and the

FEDERAL EMERGENCY MANAGEMENT AGENCY
U.S. Fire Administration
and the

NATIONAL ASSOCIATION OF STATE FORESTERS

BLM No.	FA-MOU03-0002	USDA FS No.	
NPS No.	1443-G-2000-03-0100	FWS No.	
BIA No.	K00441-3-194	NASF No.	

I. STATEMENT OF MUTUAL BENEFITS AND INTEREST

This Memorandum of Understanding (MOU) is made and entered into by and among the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and the Bureau of Indian Affairs of the United States Department of the Interior, hereinafter referred to as DOI agencies, the National Association of State Foresters, a non-profit organization that represents the Directors of the State Forestry agencies of forty-nine States, eight U.S. Territories, and the District of Columbia, hereinafter referred to as NASF, the U.S. Fire Administration of the Federal Emergency Management Agency, hereinafter referred to as USFA, and the United States Department of Agriculture-Forest Service, hereinafter referred to as the Forest Service. Each of these entities shall be referred to in this MOU as a "partnering agency" and, collectively, the "partnering agencies."

The Federal agencies and NASF share the common goals of reducing the wildland fire threat to human life and property, as well as enhancing community well being in America. They recognize that each organization's mission can be better accomplished through cooperative efforts and sharing of talents, information, and resources. Therefore, these organizations agree to work together and support each other in the national effort to reduce loss of life, property, and natural resources resulting from catastrophic wildland fire.

II. PURPOSE.

The purpose of this MOU is to provide a general framework for cooperation and coordination among DOI agencies, NASF, USFA and the Forest Service in the delivery of wildland fire assistance to fire departments through their different programs, hereinafter referred to as the "Fire Department Assistance Programs." Under the leadership of the Wildland Fire Leadership Council (the line managers from the partnering agencies) and through the *ad hoc* Interagency Grant Team (representatives from the partnering agencies) this coordination will promote consistent and systematic Federal assistance to fire departments and support national efforts to improve firefighter safety, protect property, and save lives with respect to catastrophic wildland fire.

III. AUTHORITY.

A. Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

B. National Park Service Organic Act of August 1916 (16 U.S.C. 1).

C. National Wildlife Refuge Administration Act of June 27, 1998 (16 U.S.C. 668dd)

D. National Indian Forest Resources Management Act of 1990 (25 U.S.C. 3101 et seq.).

E. Cooperative Forestry Assistance Act of 1978 (P.L. 95-313, 92 Stat. 365 as amended; 16 U.S.C. 2101 (note), 2101-2103, 2103a, 2103b, 2104-2105).

F. Federal Fire Prevention and Control Act of October 29, 1974 (15 U.S.C. §§ 2201-2232).

G. Executive Order 12127 of March 31, 1979.

IV. RESPONSIBILITIES.

The Federal agencies, within the scope of their separate authorities, as referenced above, and NASF, acting on behalf of the State Foresters, will coordinate their respective grant application and award programs, to the extent appropriate and consistent with the requirements of federal law, to promote consistency and predictability, and improve the overall effectiveness of fire department assistance programs.

Consistent with the Federal Financial Assistance Management Improvement Act of 1999; Public Law 106-107, Paperwork Reduction Act of 1995; Public Law 104-13; and other applicable laws, partnering agencies will pursue the development of uniform Fire Department Assistance Grant applications. The agencies will work cooperatively to develop the Internet WEB site connections to facilitate access to information on Fire Department Assistance Programs, thus improving the opportunities for, and reducing burdens to applicants.

DOI AGENCIES AGREES TO:

1. Cooperate and coordinate with other partnering agencies in their reviews of competitive applications for Fire Department Assistance awards.

2. Share pertinent program-related information about applicants' pending grant applications and awards with other agencies and NASF, to the extent appropriate and consistent with the requirements of Federal law.

3. Share information about the Fire Department Assistance Program parameters and schedules on an on-going basis with other agencies and NASF.

4. Structure its Fire Department Assistance Programs to complement those of partnering agencies, as appropriate and practical.

NATIONAL ASSOCIATION OF STATE FORESTERS AGREES TO:

1. Provide input on the specific Fire Departments' applications being considered for awards by the Federal agencies, as appropriate and to the extent consistent with the requirements of Federal law.

2. Provide technical support to partnering agencies in their reviews of competitive applications for Fire Department Assistance awards, as appropriate and to the extent consistent with the requirements of Federal law.

3. Share pertinent program-related information about applicants' pending grant applications and awards with the Federal agencies, to the extent consistent with the requirements of Federal law.

4. Share information about the Fire Department Assistance Program parameters and schedules on an ongoing basis with other partnering agencies.

THE U.S. FIRE ADMINISTRATION AGREES TO:

1. Cooperate and coordinate with other partnering agencies in their reviews of competitive applications for Fire Department Assistance awards.

2. Share pertinent program-related information about applicants' pending grant applications and awards with other agencies and NASF, to the extent consistent with the requirements of Federal law.

3. Share information about the program parameters and schedules on an ongoing basis with other agencies and NASF.

THE FOREST SERVICE AGREES TO:

1. Cooperate and coordinate with other partnering agencies in their reviews of competitive applications for Fire Department Assistance awards.

2. Share pertinent program-related information about applicants' pending grant applications and awards with other agencies and NASF, to the extent consistent with the requirements of Federal law.

3. Share information about the Fire Department Assistance Program parameters and schedules on an ongoing basis with other agencies and NASF.

JOINT RESPONSIBILITIES:

1. The partnering agencies will communicate through conferences, meetings, telephone, facsimile, e-mail and other means. Each organization will share data and information, to the extent appropriate, practicable and consistent with the requirements of Federal law, regarding specified Fire Department Assistance Programs and activities at the local, state, and national levels. Each organization will designate an individual to coordinate these activities on a national level.

    a. The partnering agencies will meet, and/or conference call to assess the collaborative efforts of this MOU on an annual basis, at a minimum, after their respective annual Appropriations Acts have been approved; and

    b. The partnering agencies will update the Points-of-Contact listing for this MOU for their respective agency or bureau during the above annual assessment review, or as warranted.

2. Partnering agencies recognize the need to advise the public of the cooperative efforts of the partnering agencies, and will utilize their public information offices, and other means, to keep the public informed of the collaborative work of the organizations, as appropriate.

V. GENERAL PROVISIONS.

1. This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds among the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not authorize or commit to noncompetitive awards to the partnering agencies or cooperators of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

2. Any information furnished to, or shared among, the partnering agencies under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552). Furthermore, no information provided to a partnering agency by any other partnering agency pursuant to the MOU shall be disclosed to any individual or entity (other than another partnering agency) without the prior written consent of the partnering agency that provided the information, unless such disclosure is required by law.

3. This instrument in no way restricts the partnering agencies, or any cooperators, from participating in similar activities with other public or private agencies, organizations, and

individuals or from implementing their respective Fire Department Assistance Programs in accordance with the applicable statutes, regulations or policies.

4. Nothing herein is intended, or shall be construed, as affecting or obligating the signatories to the expenditure of funds, or as involving the United States in any contract or other obligations. Partnering agencies may not obligate the expenditure of funds or provide services through their participation under the terms of this MOU unless such funds are available. For Federal agencies, funds must be appropriated by the Congress of the United States, or are otherwise available to the signatories.

5. The Department of Agriculture, Department of the Interior, Federal Emergency Management Agency, and the National Association of State Foresters and their respective agencies and offices are responsible for their own activities and costs, and will utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will endeavor to carry out its separate activities in a coordinated and mutually beneficial manner.

6. The terms of this MOU shall become effective with and upon execution of the last signature by the participating agencies and shall remain in effect for a maximum period of five-years from the date the last signature was placed on the approval section, or until such time as the MOU is dissolved by mutual agreement. The MOU shall be reviewed by all participating entities to determine its suitability for renewal, revision, or dissolution. Any signatory may withdraw from participation in this MOU within sixty- (60) days written notice to the other signatories. The remaining approving signatories may continue the provisions of this MOU as long as the USFA remains a signatory.

7. Modifications to this MOU may be initiated through DOI (BLM-OF&A) by any partnering agency. DOI-BLM is to act on the modification within sixty- (60) days of receipt of the request. Changes shall not take effect until documented and signed by all approving signatories.

8. Partnering agencies acknowledge that this MOU does not give rise to any partnering agency's claim against any other party for compensation for any loss, damage, personal injury or death occurring in consequences of the performance of this MOU; and each party expressly waives any such claims.

9. Partnering agencies acknowledge that this MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

VI. RESOLUTION OF DISAGREEMENT

Should disagreement arise on the interpretation of the provisions of this Memorandum of Understanding, or amendments and/or revisions thereto, that cannot be resolved at the operating level, each party shall state the area(s) of disagreement in writing and present them to the other party for consideration. If agreement on interpretation is not reached within thirty- (30) days, the parties shall forward the written presentation of the disagreement to the Wildland Fire Leadership Council, which shall make a non-binding recommendation to the parties to the disagreement.

VII. POINTS OF CONTACT.

Jim Shell
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P.O. Box 96090
Washington D.C.
202-205-1494 – office
202-205-1272 - fax

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Department of the Interior
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202-606-3150 - fax

Brian Cowan
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Tammy Pataluna
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Management (Federal Assistance)
Department of the Interior
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Washington D.C. 20240
202-208-4080 – office
202-208-6301 - fax

VIII. APPROVAL.

P. Lynn Scarlett, Assistant Secretary
Policy, Management and Budget
Department of the Interior — Date: 1/13/03

Mark Rey, Under Secretary
Natural Resources and Environment
U.S. Department of Agriculture — Date: 1/13/03

for R. David Paulison, Administrator
Federal Emergency Management Agency
U.S. Fire Administration — Date: 1/13/03

James L. Sledge, Jr., President
National Association of State Foresters — Date: 1/17/03

Kathleen Clarke, Director
DOI-Bureau of Land Management — Date: 1/13/03

Terrance L. Virden, Acting Deputy Commissioner
DOI-Bureau of Indian Affairs — Date: 1-13-03

Steven A. Williams, Director
DOI-Fish and Wildlife Service — Date: 1/13/03

for Fran P. Mainella, Director
DOI-National Park Service — Date: 1/13/03

Dale Bosworth, Chief
USDA, Forest Service — Date: 1/13/03

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.fire.ca.gov
(916) 653-7772

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July 21, 2003

The Honorable Bob Goodlatte
Chairman, House Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Goodlatte:

The California Department of Forestry and Fire Protection (CDF) respectfully requests your support for HR 1311, the Rural Fire Department Equipment Priority Act of 2003. HR 1311 and S 641 would reinstate a Department of Defense (DOD) policy that gives the United States Forest Service (USFS) and State Foresters the same priority for purchasing excess DOD property as agencies within DOD.

In 1946, Congress created the Federal Excess Personal Property (FEPP) program to assist in reducing state fire budgets by loaning federally owned property to state foresters and rural fire departments. This program has been very successful in outfitting state and rural fire departments with aircraft, fire engines, parts, and other equipment used to fight fires. For example, here in California, the California Department of Forestry and Fire Protection deploys 47 firefighting aircrafts acquired through FEPP. These aircraft are a critically important component of our successful initial attack force and also are used to support federal agencies in their efforts to suppress wildfires on federal land.

Unfortunately, in April 2002, DOD significantly changed its priority list for agencies acquiring excess DOD equipment. The new DOD policy gave agencies within DOD first priority for acquiring equipment. Since this change, CDF has seen a dramatic decrease in the equipment available for use by the state and local fire agencies in California. Prior to the policy change, CDF acquired several million dollars of excess DOD equipment per year. Since the policy change, CDF has only been able to access a few thousand dollars worth of equipment.

If the DOD's policy is not changed, California and other states will either be forced to purchase equipment from private vendors at significantly higher costs or, given budget constraints, they will go without. Given the high fuel load in much of the forests in the Western United States and the increased risk of wildland fire, especially in the urban wildland interface, it is important that State Foresters have the equipment they need to keep the thousands of fires that start each year from becoming large catastrophic fires.

HR 1311 will reinstate the DOD policy that has helped equip foresters for 56 years with the equipment they need to fight fires. Enclosed, is a fact sheet providing more detail about the importance of the program to California. I urge your support for HR 1311.

Sincerely,

Andrea E. Tuttle

Andrea E. Tuttle
Director and State Forester

cc: California Congressional Delegation

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
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CDF AND THE FEDERAL EXCESS PROPERTY PROGRAM

The California Department of Forestry and Fire Protection (CDF) relies heavily on FEPP aircraft to implement its aggressive initial attack efforts.

- The State of California relies extensively on FEPP to acquire property and uses an additional federal program, the MILSTRIP, to support its maintenance. This allows the state to operate and maintain a fleet of aircraft that is essential to the initial attack strategy CDF use to suppress wildland fires and meet its goal of keeping 95% of all fires at 10 acres or less.
- CDF currently operates 47 aircraft: 11 UH1 helicopters, 23 S2 airtankers, and 13 OV-10 air attack planes, all acquired through the Federal Excess Personal Property Program.
- The 23 airtankers operated by CDF represents over half of the nation's combined state and federal air tanker assets.
- Not only does the state rely on the use of these aircraft to protect state responsibility land, but they are key in supporting federal efforts to suppress fires on federally protected land in California.

The CDF Aviation program is particularly cost effective, especially when maintenance costs are considered.

- The CDF aviation program has over $200 million in FEPP acquired aircraft and aircraft components, parts and support equipment; all acquired at minimal or no cost to the state.
- CDF operates its aerial fire fighting program on an annual budget of approximately $20 million, of which $9.8 million are state general funds and the remaining supported by funds recovered through state emergency funding, federal and local cost recovery, and federal FEMA grants. CDF estimates that to operate an equivalent fleet of aircraft without the use of FEPP would range from $60 - $110 million annually.

Not only does CDF operate a cost-effective program but a safe one as well.

- The CDF helicopter program, using FEPP aircraft, has never had a major accident or fatality. The program has operated since 1981 and flown over 60,000 hours.
- The CDF air tanker program's safety record is the best in the industry and equals or exceeds that of the national's general aviation.
- The State of California invests in the future of the aerial fire fighting fleet by completely overhauling all of the FEPP aircraft to better-than-new condition prior to putting them into service. This policy has enabled the state to deploy quality aircraft at a fraction of the cost of acquiring new aircraft. A good example is the cost of rebuilding and converting the S2 to a turbine air tanker. California spends approximately $2.8 million per aircraft to complete this major overhaul as compared to buying an equivalent CL- 415 at approximately $23 million per aircraft.

Without federal action to restore our ability to screen new or replacement aircraft, CDF's participation in the FEPP would remain severely limited, increasing the risk to public safety in California.

- Without the ability to use FEPP, the State of California could not afford to operate the aerial fire-fighting program it has today. Because CDF relies so heavily on aircraft as part of its integrated initial attack response, the loss of this asset would result in the loss of property, natural resources and possibly lives. The costs to the tax payers of the state for fire suppression would go up as larger fires would be occurring more frequently. Demand for use of federal fire fighting aircraft on state fires could increase as well.

The FEPP is a critical component of CDF's successful fire fighting program in California.